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GENERAL ELECTION LAWS

OF THE

STATE OF FLORIDA

**Compiled from the Compiled General Laws of Florida,
1927, and Subsequent Acts of the
Legislature**

BY

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248. (215). WHO ARE QUALIFIED ELECTORS.—Every person of the age of twenty-one years and upwards, that shall at the time of registration be a citizen of the United States, and shall have resided and had his or her habitation, domicile, home, and place of permanent abode in Florida for one year, and in the county for six months, shall, if otherwise qualified according to law in such county, be deemed a qualified elector at all elections under the Constitution. Naturalized citizens of the United States, at the time of and before registration shall produce to the registration officer their certificates of naturalization or duly certified copies thereof, and shall make oath that they are the identical persons named in such certificates, before they shall be allowed to register; Provided, That the following classes of persons shall not be entitled to vote:

First. Persons not duly registered according to law.

Second. Persons under guardianship, including those kept in or confined in any public prison.

Third. Persons who are insane or idiotic.

Fourth. Persons who may have been convicted of any felony by any court of record.

Fifth. Persons who may have been convicted of bribery, perjury, or larceny, or of any infamous crime in any court of this State, or any other State, or interested in any bet or wager, the result of which shall depend upon any election, or that shall hereafter fight a duel, or send knowingly, carry or accept a challenge to fight, or that shall be a second to either party, or that shall be the bearer of such challenge or acceptance; but the legal disability shall not accrue until after trial and conviction by due form of law.

Sixth. No person shall be permitted to vote at an election who shall have failed to pay, at least on or before the fourth Saturday preceding the day of such election, his or her poll taxes for the two years next preceding the year in

which such election shall be held; Provided, That no person shall be prevented from voting on account of not having so paid a poll tax for any year which shall not have been lawfully assessable against him or her by reason of his or her not having been of age, or having been over fifty-five years of age, or who has lost a limb in battle, or who shall have become disabled in the United States Army or Navy service, and who shall have procured and shall exhibit the certificate of the supervisor of registration to that effect as hereinafter provided for; and no person who became eligible to qualify as an elector in the year A. D. 1920 shall be prevented from voting because of not having paid a poll tax for that year. Provided, That no person who has not been in this State one year previous to any general election, shall be required to pay more than one year's poll taxes. Provided, That no person who has only been a resident of this State one year must first produce a poll tax receipt from the State from which they moved from, before being permitted to vote.

Seventh. No person shall be permitted to vote, or shall such vote be counted, unless the person registers to vote in the election district in which he or she shall have his or her permanent place of residence.

249. WHEN SOLDIERS AND SAILORS MAY VOTE.—Any soldier, sailor, or marine who returns to the State after the time for payment of poll tax or for registration has expired, may be permitted to vote in any municipal primary or regular election upon the presentation of his discharge to the election officers and establishing the fact that he is the bona fide holder of same and that he could have been duly authorized to vote in said election except for his absence from the State and the fact that he was engaged in the military or naval service of the United States.

251. (216). DAY OF GENERAL ELECTION.—A general election shall be held in the several counties of this State on the Tuesday next succeeding the first Monday in November, A. D. 1906, and biennially on the same day thereafter, or upon such day as may hereafter be fixed by law, at which general election there shall be chosen by the qualified electors in this State such elective State and county officers whose terms of office may then require an election to be held to fill such office, beside State senators and members of the House of Representatives of this State, and such

other elective officers as may be required to be elected, as provided by the Constitution and laws of this State, except as herein otherwise provided.

252. (217). GENERAL ELECTIONS. — A Governor, the administrative officers of the executive department, and the State Senators representing the odd numbered districts, shall be elected at a general election to be held in A. D. 1920, and every four years thereafter. State Senators from the even numbered districts shall be chosen in the general election in A. D. 1922, and every four years thereafter. Members of the House of Representatives shall be chosen at every general election. A clerk of the circuit court, county judge, sheriff, superintendent of public instruction, a county surveyor, a county assessor of taxes, and a county tax collector shall be chosen for each county in this State by its qualified electors at the general election A. D. 1920, and every four years thereafter. A county board of public instruction, consisting of three members, one from each school district, to be elected from the several counties at large of this State, and a board of county commissioners of five members, one for each county commissioner's district, elected from the several counties at large of this State, shall be elected by the qualified electors thereof at every general election. A justice of the peace for each justice district, and a constable for each justice district shall be elected by the qualified electors thereof at the general election A. D. 1920, and every four years thereafter.

253. (218). ELECTION OF REPRESENTATIVES TO CONGRESS AND PRESIDENTIAL ELECTORS.—A representative to the Congress of the United States shall be elected in and for each congressional district of this State at every general election. Electors of president and vice-president of the United States shall be elected on the first Tuesday after the first Monday in November, A. D. 1908, and on the same day every four years thereafter.

254. (219). SPECIAL ELECTIONS.—Special elections shall be held in the following cases:

First. Where there has been no choice of any officer who should have been elected at a general election.

Second. When a vacancy shall occur in the office of State Senator or member of the House of Representatives of this State. But in case of a vacancy in the office of State Senator

or member of the said House of Representatives, a special election shall not be held unless a session of the Legislature shall be held after the vacancy occurs and before a general election.

Third. When a vacancy shall occur, more than three months before a general election, in the office of representative to the Congress of the United States, or in any other office that the Governor shall not be authorized to fill by appointment. But if any vacancy shall occur at a time not more than three months before a general election, the Governor may, in his discretion, order a special election to fill the same.

Fourth. When it shall be necessary to elect presidential electors, by reason of the offices of President and Vice-President both having become vacant.

255. (220). NOTICE OF GENERAL ELECTIONS.—The Secretary of State shall, between the first days of July and September in any year in which a general election shall be held, make out and cause to be published, at least sixty days prior to the day of holding the election, in one or more newspapers printed at the State Capital, at least once a week until the election, a notice stating what offices and vacancies are to be filled at such general election in the State, and in each county and district thereof, and shall send to the sheriff of each county a notice of the offices and vacancies of each county to be filled at such general election by the qualified voters of his county, or any district thereof, and the sheriff shall cause a copy of such notice to be published weekly in a newspaper printed in his county, if there be one in the county, and if there be no such paper printed in his county, he shall cause at least five copies of such notice to be posted in the most conspicuous and public places in the county.

256. (221). NOTICE OF SPECIAL ELECTIONS.—Whenever a special election for any office is required to be holden, the Governor shall make an order declaring on what day the same shall be held, and deliver the same to the Secretary of State, whereupon the Secretary of State shall publish notice of the election to be holden therefor in one or more newspapers published weekly at the State Capital, for not less than fifteen days nor more than forty days prior to said election, containing notice of the vacancy or vacancies

to be filled, and of the county or counties in which the elections are to be held therefor; and the Secretary of State shall also deliver to the sheriff of such county or counties, in which such special elections are to be held, a notice of the time of election and the offices to be filled by the voters of their respective counties, or any district thereof, and the sheriff shall cause a copy of such notice to be published weekly in some newspaper printed in his county if there be such a newspaper, and if there be no such paper printed in his county, he shall cause at least five copies of such notice to be posted in the most public and conspicuous places in the county.

257. (222). OATH AND IDENTIFICATION OF ELECTOR FOR REGISTRATION.—Upon application for registration each elector shall be required to take and subscribe the following oath: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and of the State of Florida; that I am twenty-one years of age and have been a resident of the State of Florida for twelve months, and of this county for six months; that I am a citizen of the United States, and that I am qualified to vote under the Constitution and laws of the State of Florida." The supervisor of registration and district registration officers provided for, are hereby authorized and required to administer this oath, and the elector shall also be required, under oath, to be administered by the registration officer, to give such description of himself as will be sufficient to clearly identify his person with the act of registration.

258. (223). SUPERVISOR OF REGISTRATION AND DISTRICT REGISTRATION OFFICERS.—Upon the expiration of the term of office for which each supervisor of registration of electors has heretofore been appointed in each county, the Governor shall appoint, subject to removal by him at any time, one competent, discreet and fair-minded person in each county, who shall be a qualified elector thereof to be known as supervisor of registration of electors in said county. Each supervisor shall hold his office until the first Tuesday after the first Monday in January of the year following such appointment and until his successor shall be appointed and qualified. Upon the expiration of the term of office "for which each supervisor of registration of electors shall be appointed" under the foregoing provisions,

and every four years thereafter, the Governor shall appoint, subject to removal by him at any time, one competent, discreet and fair-minded person in each county, who shall be a qualified elector thereof, to be known as the supervisor of registration of electors in said county. Each supervisor shall hold his office for four years and until his successor shall be appointed and qualified. Upon the office of the supervisor of registration becoming vacant for any cause, the Governor shall by appointment fill such vacancy for the unexpired term only. Every supervisor appointed under the provisions of this law shall keep his office at the county site and shall have exclusive charge of the registration of electors and for this purpose shall open and keep books suitable for such registration of electors in each election district in such county. He shall appoint, subject to removal at any time by him, a district registration officer of each election district in his county, whose duty it shall be to attend to the registration of electors in such district as hereinafter provided. The supervisor of registration shall not be eligible for any other office until six months after ceasing to be such supervisor.

259. (224). SUPERVISOR TO TAKE OATH AND GIVE BOND; COMPENSATION.—Each supervisor shall, before entering on the performance of his duties, take the oath prescribed by Section 2 of Article XVI of the Constitution, and shall give a bond to the Governor of the State in the sum of five hundred dollars, with two sureties, to be approved by the Board of County Commissioners of his county, conditioned for the faithful discharge of his duties as such supervisor. The compensation of such supervisors shall be such sum or sums in proportion to the amount of work to be done as may be fixed and allowed by the Board of County Commissioners in each county respectively; Provided, That the compensation of no supervisor shall be less than one hundred dollars per annum. The district registration officers shall be paid for their services by the respective counties such sum or sums as may be fixed by the Board of County Commissioners in each county respectively, after the supervisor of registration shall have certified the amount of service performed by each of such district registration officers.

260. SALARIES OF SUPERVISORS OF REGISTRATION IN COUNTIES HAVING POPULATION OF NOT LESS THAN SEVENTEEN THOUSAND SEVEN HUNDRED AND NOT MORE THAN SEVENTEEN THOUSAND SEVEN HUNDRED FIFTY. — The salaries of the Supervisors of Registration in all Counties in the State of Florida having a population of not less than 17,700 and not more than 17,750, according to the last official State Census, shall be and the same is hereby fixed at Nine Hundred Dollars per annum; such salaries to be payable monthly by the County Commissioners of the several counties referred to out of the General Revenue Fund of said counties.

261. (225). SUPERVISOR MAY REMOVE DISTRICT REGISTRATION OFFICER.—Each supervisor shall have power at any time to remove any district registration officer within his county whenever he deems proper, and such district registration officer, when so removed, shall, on demand, surrender to such supervisor all books and papers connected with his office. Each district registration officer shall, before entering upon the performance of his duties, make oath in writing before any officer authorized to administer oaths, that he will well and faithfully perform the duties of his office, which oath shall be transmitted to the supervisor of registration and preserved by him.

262. (226). TO DELIVER BOOKS AND PAPERS TO SUCCESSOR.—Upon the removal of any supervisor of registration of electors, it shall be his duty to immediately and promptly deliver over to his successor all the books and papers and blanks belonging to his office or connected therewith in any way.

263. (227). TIME OF REGISTRATION AND OFFICE HOURS.—The supervisor of registration shall keep the registration books of the county open at his office at least three days in each week, and oftener if the county commissioners shall so order, from 9 o'clock A. M. to 12 M., and from 2 o'clock P. M. until 5 P. M. from the first Monday in August in each year in which there is any general election, for the registration of electors. And he shall give notice by publishing in a newspaper printed in his county, for two consecutive weeks immediately preceding the time of opening his books, naming the days of the week he will keep his books open. The district registration officers hereinbefore provided for shall keep the registration books for such district open at

some convenient place therein for the purpose of registration, at least two days in each week, from 9 o'clock A. M. to 12 M., and from 1 o'clock P. M. to 7 P. M., from the first Monday in September until the second Saturday of the month preceding the day in each year in which there is any general election. He shall give notice by posting in three conspicuous places in his district, naming days of the week his books will be open, and at what particular building or dwelling he will be. During the time that the district registration officer is registering voters he may register in one book and the supervisor in another. The registration books of each county shall be closed on said second Saturday of the month preceding the day in each year in which there shall be a general election. And no person shall be allowed to register at any other time than during the period herein provided for the opening of said books for registration of electors.

264. REGISTRATION BOOKS IN COUNTIES HAVING NOT LESS THAN FIFTY THOUSAND NOR MORE THAN SIXTY-FIVE THOUSAND POPULATION.—The county registration books in all counties in the State of Florida having a population of not less than fifty thousand and not more than sixty-five thousand people, according to the State census of 1925, shall be kept open on each week day from 9 a. m. until 5 p. m. in the office of the supervisor of registration in each of said counties for the registration of electors for all general, special and primary elections; Provided, however, that said registration book shall close before each general, special or primary election at the time and in the manner now required by the laws governing both primary and general elections in said State but shall reopen for registration purposes the day following said election or elections. The compensation to be paid the Supervisor of Registration in said counties in lieu of all other compensation now allowed by law for his services as such supervisor of registration shall be the sum of twenty-four hundred dollars per annum payable in equal monthly payments of two hundred dollars each. This section shall be in addition to all laws now in force and applying to the duties of the registration officer and the registration of electors in said counties not in direct conflict herewith.

265. REGISTRATION BOOKS IN COUNTIES HAVING NOT LESS THAN EIGHTEEN THOUSAND FIVE HUNDRED NOR MORE THAN NINETEEN THOUSAND POP-

ULATION.—The County Registration Books in all Counties in the State of Florida having a population of not less than Eighteen Thousand Five Hundred and not more than Nineteen Thousand people according to the last State Census, shall be kept open Saturday of each week from 9 A. M. until 5 P. M. in the office of the Supervisor of Registration in each of said Counties for the registration of electors for all general, special and primary elections, provided, however, that said Registration Book shall close before each general, special or primary election at the time and in the manner now required by the laws governing both primary and general elections in said State but shall reopen for registration purposes the day following said election or elections.

The compensation to be paid the Supervisor of Registration in said counties in lieu of all other compensation now allowed by law for his services as such Supervisor of Registration shall be the sum of six hundred dollars per annum payable in equal monthly payments of fifty dollars each.

This section shall be in addition to all laws now in force and applying to the duties of the Registration Officer and the registration of electors in said counties not in direct conflict herewith.

266. TAX COLLECTORS AS EX-OFFICIO SUPERVISORS OF REGISTRATION IN COUNTIES HAVING POPULATION OF NOT LESS THAN THIRTEEN THOUSAND SIX HUNDRED AND NOT MORE THAN THIRTEEN THOUSAND EIGHT HUNDRED.—In all counties having, according to the State census of 1925, a population of not less than thirteen thousand six hundred and not more than thirteen thousand eight hundred, the powers and duties heretofore vested in and imposed upon supervisors of registration, shall be and they are hereby vested in and imposed upon the tax collectors of the respective counties who shall, while acting as such subscribe themselves as ex-officio supervisors of registration.

267. RE-REGISTRATION OF VOTERS IN SAID COUNTIES.—In all primary elections within counties having a population as stated in the foregoing section, new registration books shall be provided and a complete re-registration of all electors shall be required in the year 1928, under the provisions of law governing primary elections and all persons who shall then register or who may thereafter register under the provisions of law governing registration for

primary elections shall be deemed duly registered for all general or special primary elections or general or special elections so long as they continue to reside in the election precinct, in which they so registered and their names carried upon the registration books as electors duly registered for such elections, provided, that the registration books for primary elections shall be used for all general or special elections and two sets of registration books shall not be required, but all persons registered for primary elections shall be deemed and held registered for general or special elections.

268. EXISTING LAWS APPLICABLE TO TAX COLLECTORS ACTING AS EX-OFFICIO SUPERVISORS OF REGISTRATION.—All provisions of existing laws applicable to supervisors of registration and their duty, powers and compensation, not in conflict herewith, shall be applicable to the several tax collectors in the performance of the duties hereby imposed.

269. RE-REGISTRATION IN COUNTIES HAVING POPULATION OF NOT LESS THAN FIFTEEN THOUSAND FIVE HUNDRED AND NOT MORE THAN SIXTEEN THOUSAND.—In all counties of this State having a population of not less than fifteen thousand five hundred and not more than sixteen thousand, according to the last State census, the County Commissioners shall provide for a re-registration of all voters of such counties who intend to vote and qualify for voting in any general or primary election to be held in the year, A. D. 1928, or subsequent years thereafter, and in order to accomplish such re-registration of such voters, it shall be the duty of the Supervisors of Registration of such counties to immediately open their registration books for the purpose of registering or re-registering such voters as may desire to register and qualify to vote in any general or primary election to be held in the year, A. D. 1928, or subsequent years thereafter, and to re-register all of the voters of such county.

270. SAME: NULLIFICATION OF PAST REGISTRATIONS.—All registration of voters heretofore had in counties of the population described in Section 269 shall be null and void and of no force and effect on and after January 1st, A. D. 1928.

271. SAME: TIME TO APPLY FOR RE-REGISTRATION; LEGAL REGISTRATION BOOKS.—Any person who may desire and who possesses the qualifications provided by law for becoming a registered voter in the counties hereinbefore described, may apply to the registration officers in the several counties described in Section 269, for the purpose of being registered or re-registered, as the case may be, according to law, and it shall be the duty of the Supervisors of Registration of such counties to register or re-register any such persons who may be found by him to possess the qualifications required by law for becoming a legal voter in such counties for any general or primary election for which such voters desire to register; and all books containing the registration of voters herein provided for shall be deemed, taken and held to be legal registration books of such counties, and shall be used in all general and primary elections held in the years A. D. 1928 and thereafter until otherwise provided by law.

272. SAME: TIME OF CLOSING REGISTRATION BOOKS.—The re-registration of voters hereinbefore provided for may continue until not later than thirty days before any primary election to be held in the year 1928, and the books shall then be closed until after the holding of such primary election, and registrations for the general election may be held thereafter until within thirty days prior to the date of holding any subsequent general election, whereupon said registration shall cease until after the time for holding the general election, and thereafter the registration of voters may continue at all times except within the period of thirty days immediately preceding any general or primary election, the purpose and intention of this law being to provide for a registration of all voters in said counties and to provide that the registration books shall be kept open for registration of voters continuously except during that period of time amounting to thirty days immediately preceding any general or primary election.

273. SAME: FEES OF SUPERVISOR OF REGISTRATION.—The Supervisor of Registration shall receive for his fees in making the registrations of voters hereinbefore provided for, the same compensation as is now or may hereafter be provided by law to be paid Supervisors of Registration for like services.

274. SAME: REGISTRATION BY DISTRICT REGISTRATION OFFICERS.—Registrations may be made by

District Registration officers under the supervision of the registration officer in the same manner as now provided by law.

275. RE-REGISTRATION IN COUNTIES HAVING POPULATION OF NOT LESS THAN SEVENTEEN THOUSAND SEVEN HUNDRED AND NOT MORE THAN SEVENTEEN THOUSAND SEVEN HUNDRED FIFTY.—In all counties of this State having a population of not less than seventeen thousand seven hundred and not more than seventeen thousand seven hundred fifty, according to the last State Census, the County Commissioners shall provide for a re-registration of all voters of such counties who intend to vote and qualify for voting in any General or Primary Election to be held in the year A. D. 1928, or subsequent years thereafter, and in order to accomplish such re-registration of such voters, it shall be the duty of the Supervisors of Registration of such counties to immediately open their registration books for the purpose of registering or re-registering such voters as may desire to register and qualify to vote in any general or primary election to be held in the year A. D. 1928 or subsequent years thereafter, and to re-register all of the voters of such county.

276. SAME: NULLIFICATION OF PAST REGISTRATIONS.—All registration of voters heretofore had in counties of the population described in Section 275 shall be null and void and of no force and effect on and after January 1st, A. D. 1928.

277. SAME: TIME TO APPLY FOR RE-REGISTRATION; LEGAL REGISTRATION BOOKS.—Any person who may desire and who possesses the qualifications provided by law for becoming a registered voter in the counties herein before described, may apply to the registration officers in the several counties described in Section 275, for the purpose of being registered or re-registered, as the case may be, according to law, and it shall be the duty of the Supervisors of Registration of such counties to register or re-register any such persons who may be found by him to possess the qualifications required by law for becoming a legal voter in such counties for any general or primary election for which such voters desire to register; and all books containing the registration of voters herein provided for shall be deemed, taken and held to be the legal registration books of such counties, and shall be used in all general and

primary elections held in the years A. D. 1928 and thereafter until otherwise provided by law.

278. SAME; TIME OF CLOSING REGISTRATION BOOKS.—The re-registration of voters hereinbefore provided for may continue until not later than thirty days before any primary election to be held in the year 1928, and the books shall then be closed until after the holding of such primary election, and registrations for the general election may be held thereafter until within thirty days prior to the date of holding any subsequent general election, whereupon said registration shall cease until after the time for holding the general election, and thereafter the registration of voters may continue at all times except within the period of thirty days immediately preceding any general or primary election, the purpose and intention of this law being to provide for a registration of all voters in said counties and provide that the registration books shall be kept open for registration of voters continuously except during that period of time amounting to thirty days immediately preceding any general or primary election.

279. SAME; FEES OF SUPERVISOR OF REGISTRATION.—The Supervisor of Registration shall receive for his fees in making the registration of voters hereinbefore provided for, the same compensation as is now or may hereafter be provided by law to be paid supervisors of registration for like services.

280. SAME; REGISTRATION BY DISTRICT REGISTRATION OFFICERS.—Registrations may be made by District Registration officers under the supervision of the registration officer in the same manner as now provided by law.

281. (228). REGISTRATION AND ELECTION DISTRICTS.—Each election and registration district, voting place or precinct in this State, as now laid out, defined and fixed, is hereby recognized and continued; but the Board of County Commissioners in each county are hereby empowered, at any time prior to the first day of July in any year in which there shall be a general election, to alter or change the same, or to create new districts, designating each district by number, and at the most suitable point in each district to establish a voting place or precinct, at which voting place or precinct there shall be a polling place as

hereinafter provided, which said voting place or precinct shall not thereafter be changed without the consent of four members of the Board of County Commissioners, in meeting assembled.

282. (229). DESCRIPTION OF ELECTION DISTRICTS TO BE RECORDED.—Within ten days after there shall be any change in the division, number or boundaries of the election districts as now established, or of the location of the voting places or precincts, it shall be the duty of the county commissioners in each county in which there shall be any such change to make in writing an accurate description of any such new or altered election districts, setting forth the boundary lines thereof, so as to designate accurately the limits of each district that has not already been clearly defined and established, and they shall at the same time name and clearly define and describe in writing the voting place or precinct which they shall have established in any such new or altered election district or in any district in which they may change the voting place or precinct which they shall have established in any such new or altered election district or in any precinct in which they may change the voting place or precinct, and they shall forthwith cause the same to be recorded in the registry of deeds in the office of the clerk of the circuit court for such county.

283. (230). PUBLICATION.—On recording the aforesaid designations and descriptions of said election districts and voting places or precincts the said county commissioners shall publish the same for not exceeding four weeks in some newspaper published in the county, and if there be no newspaper published in said county, they shall post a plainly written or printed copy of said descriptions and designations at the court house of such county in a conspicuous place, and also at three public places in the district changed or altered.

284. (231). PUBLICATION OF LIST OF QUALIFIED VOTERS.—The supervisor of registration of the several counties of this State shall have published within fourteen days after the second Saturday in the month preceding the day in which any general election is held, a certified list of the registered and qualified electors of each election district wherein such election shall be held.

285. (232). SECRETARY OF STATE TO FURNISH BOOKS AND BLANKS.—It shall be the duty of the Secretary of State to cause a sufficient number of registration books, blank oaths of registration, certificates of registration, applications for renewal of certificates, certificates of transfer, and other blanks required to be used under this law, to be prepared so that there shall be three of said registration books for each election district in each county, which registration books shall, at the top of each page, have written or printed the oath required by the Constitution to be taken by electors at the time of registration, and shall be ruled in columns with proper heading so as to indicate the name, age, color, occupation and place of residence, including the street, lot and block of any town or city, and the date of registration of each elector and the number of the certificate that may be issued to him, with a separate column at the right side of each line for such notes and entries as may from time to time be necessary to put opposite any name; Provided, That outside of towns and cities the residence may be designated by number of quarter section or convenient sub-division thereof. The pages of said books shall be alphabetically arranged and numbered, and the lines in each page shall be numbered, and the names thereon shall be alphabetically registered.

286. (233). REQUISITION FOR BOOKS AND BLANKS.—Upon requisition of the county commissioners of any county, the Secretary of State shall furnish them the required number of said books and blanks, which the county commissioners shall deliver to the supervisor of registration of their respective counties.

287. (234). SUPERVISOR OF REGISTRATION TO MAKE UP BOOKS.—Immediately upon the expiration of the time for registration at the several precincts, each district registration officer shall promptly deliver his book and all blanks left in his possession to the supervisor of registration at the county site, and thereupon the supervisor of registration shall proceed to make up the registration books for the several districts in his county, so that three registration books for each election district shall exactly correspond and be as nearly as may be a duplicate the one of the other. Such books shall be so marked on the backs thereof as to designate clearly to which election district they belong, and one of the said books for every election district shall be marked by the supervisor on the back thereof with

the words "Office Copy" and which office copies shall at all times be kept by the supervisor in his office.

The original registration books used by the district registration officials shall also, after being returned by them, be kept by the supervisor in his office.

288. (235). **REGISTRATION CERTIFICATES.**—Each elector, upon being registered, shall be furnished by the registration officer with a certificate of registration, which certificate issued by the supervisor, shall be numbered in each district for which they are issued, by consecutive numbers, in the order in which they are issued by him, which certificate shall contain a statement of the full name, age, color, height, occupation, place of residence, and date of registration as entered in the registration books, which certificates shall be signed by the registration officer.

289. (236). **VOTER MUST BE REGISTERED IN DISTRICT.**—No person shall be allowed to vote in any other election district than the one in which he is registered; nor shall any person whose name does not appear upon the registration books be allowed to vote; Provided, That when the name of any one who has duly registered does not appear on the registration books of the election district in which he registered, and in which he resides, such person shall, on making satisfactory proof to the supervisor of registration of the fact of his previous registration, and that his name has been improperly omitted from the said books, be entitled to have his name restored to said books on application to the supervisor of registration, and shall thereupon receive from such supervisor a certificate of registration similar to that hereinbefore provided for, across the face of which shall be written in red ink the words, "Restoration Certificate," by the supervisor of registration, on the production of which, at the proper polling place of the proper election district, he shall be entitled to vote, even though his name does not appear on the registration books of such district; Provided, Said certificate of registration properly identifies him to the managers of the election. The certificate of registration shall be of the following form:

REGISTRATION CERTIFICATE NO.

State of Florida,

County.

Election District No.

The bearer, is at the date
hereof a qualified elector in the above district. He resides
at is years of
age, by occupation a

He is feet inches in height; his color
is and he is entitled to vote in
said district, unless hereinafter disqualified.

Registered on this day of,
A. D. 19.....

Supervisor of Registration for said County.

290. (237). CERTIFICATE OF TRANSFER.—The
certificate of transfer to be used in cases of transfer from
one election district to another shall be the following form:

TRANSFER OF REGISTRATION CERTIFICATE

NO.

State of Florida,

County.

Election District No.

The bearer,, is at the
date hereof a qualified elector in the above district. He
resides at is years
of age, by occupation He
is feet inches in height. His color
is, and he is entitled to vote in
said district No. where he formerly resided.

Transferred on this day of,
A. D. 19.....

Supervisor of Registration of said County.

291. (238). **NEW REGISTRATION BOOKS.**—Whenever it may be necessary, the supervisor of registration of any county shall transfer and transcribe into new registration books from whatever registration books may be in possession of such supervisor, the names of all electors who appear upon said old books to be properly and legally registered electors thereon at the time of such transfer to said three new books, taking care that the names of all the electors shall be transcribed only in the books of the election district to which such electors belong.

292. (239). **WHEN BOOKS TO BE CLOSED.**—At the end of the time provided by this law for the registration books to be kept open by the supervisor of registration the said books shall be closed, and shall not again be opened for registration until after the next succeeding general election, except as herein provided, and the supervisor of registration shall attach his certificate to each of said three registration books, certifying that they have been examined and revised by him, and that he has caused such registration to be made in compliance with the Constitution and laws of the State of Florida, fairly and impartially, to the best of his ability, and such books, or lists of names so certified, with such additions, corrections, erasures and revisions, as may from time to time, in conformity to law, be made to or of the same, shall constitute the registration books and lists of such county.

293. (240). **CUSTODIAN OF REGISTRATION BOOKS.**—The supervisors of registration of electors in the various counties shall be the official custodians of the books of registration, and they shall have the exclusive control and management of all matters pertaining to the proper registration of electors at all times. Whenever it shall come to the knowledge of a supervisor of registration that any elector has died or become disqualified to vote by reason of conviction of any disqualifying crime, or from any other cause, or has removed from the county, or from one election district to another in the county without obtaining a certificate of transfer, or that his right to vote has become in any wise affected since his registration it shall be the duty of said supervisor to make a note of such fact on the proper registration books opposite the name of such person, and to mark off the names of such persons as have so ceased to be qualified electors by running a pen through the name of each person on such books, and in such cases the super-

visor shall carefully note in said books the date of such erasure, and in no case shall the inspectors or managers of any election allow any person to vote whose name shall appear on the books to have been struck off or erased, whether such person shall have a certificate of registration or not, unless he produces or exhibits to such managers a proper certificate, signed by the supervisor of registration, showing that he has been properly restored to said books subsequent to the date of erasure of his name from said books.

294. (241). NAMES MAY BE RESTORED TO REGISTRATION BOOKS.—All additions to, corrections and other entries in, and all erasures of names, and the causes and dates thereof, shall be made by the supervisors in all three of the registration books belonging to each election district in his county, so as to keep all three of said books at all times as near as may be duplicates the one of the other; Provided, That when the name of any elector shall have been wrongfully or erroneously erased, the same shall be restored by the supervisor of registration on application and proofs to him, or may be restored by order of the board of county commissioners, if the supervisor on application and proofs, fails to do so.

295. (242). RENEWAL OF REGISTRATION CERTIFICATE.—Every elector shall have the right to a renewal of his certificate of registration without fee or charge when the same becomes defaced by time or accident, upon his surrendering such certificate so defaced to the supervisor of registration. Any elector who may lose his certificate of registration shall be entitled to a renewal thereof by the supervisor of registration of the county in which such elector was registered upon application therefor, and proof of the loss, in the following manner: He shall at any time before the next general election apply for a renewal of his certificate, stating under oath, to be administered by the supervisor, the facts of his former registration and of such loss, and that he has not sold, bartered or parted with his certificate, and has not wilfully destroyed or lost it, which application the supervisor shall examine into, and if the facts therein alleged shall be sustained to the satisfaction of the supervisor, he shall issue to the applicant a renewal of his certificate, marking or stamping across its face the word "Renewal," and shall make the proper entry in the registration books of the fact of such renewal. The decision of the supervisor in such case, if it shall be against the

application, shall be subject to revision by the board of county commissioners, if he be notified of such appeal to said board within three days after notice to the applicant of the rejection of his application.

296. (243). **TRANSFER CERTIFICATE FROM ONE DISTRICT TO ANOTHER.**—In case of the removal of an elector from one district to another district in the same county, such elector shall notify the supervisor of registration of such change of residence, and shall surrender his certificate of registration to such supervisor, who shall at once enter the fact in the proper registration books, and shall give, without fee or charge, such elector a certificate of transfer of registration in accordance with such change of residence. If such person was registered before a certificate of registration was provided for by law, and therefore he has no certificate, he shall be entitled to have his name transferred as above provided for, and shall also receive the certificate of transfer as above provided for. In case of refusal or failure of any elector to notify the supervisor of his removal of his residence as in this section provided for, it shall be the duty of such supervisor, upon the facts of such removal being brought to his knowledge, to erase the name of such person from the registration books, and to note therein the cause and date of such erasure. No elector, who, having been previously registered, shall have removed from one district to another in the same county, shall be allowed to register, nor shall he be allowed to vote by the managers of any election, without a certificate of transfer of registration, as above provided.

297. (244). **COUNTY COMMISSIONERS TO EXAMINE AND REVISE REGISTRATION BOOKS.**—It shall be the duty of the county commissioners of each county, on the first Wednesday after the registration books are closed, as provided for in this article, in every year in which there is a general election, to examine and revise the registration books of said county, erasing therefrom the names of all such as have died, or removed from the county, or from one district to another in the same county, or who are otherwise disqualified to vote, and restoring such names as have been improperly taken off by the supervisor of registration; said examination and revision shall be completed within three days thereafter, and immediately the county commissioners shall cause to be published in a newspaper, if there be one published in such county, and also post at the court house

door a list of the names, alphabetically arranged, that have been erased or stricken from the registration books of each district in such county, either by the supervisor of registration, or said board of county commissioners; and any person whose name shall have been wrongfully or erroneously erased or stricken off, and who shall, with a time not less than ten days before the day of any general election to be held in such county, make such fact appear to the satisfaction of said board, shall be entitled to have his name restored to the registration books, and the supervisor of registration, when so ordered by the board of county commissioners, shall restore such name or names to said books, with the date of replacement and entries as to how or why such restoration was made, and he shall without charge, issue to said person or persons a new certificate or certificates of registration, as provided for in Section 295; and it is hereby made the duty of the county commissioners of each county to hold such special meetings as may be necessary from time to time for carrying the provisions of this section into effect, and they are authorized to require the county treasurer to pay such expenses as may be necessary in the performance of their duties; Provided, That in case any special election is held in any county of the State, it shall be the duty of the board of county commissioners to hold a meeting at least fifteen days before said election and proceed to revise the registration list and give the notices as provided, as in cases of general election in this article.

298. (245). INSPECTORS OF ELECTION TO BE FURNISHED WITH COPY OF REGISTRATION BOOKS.

—At each election the supervisor of registration shall furnish the inspectors of elections of each polling place in each election district with one of the registration books for such district, the supervisor retaining in his office the other copy or duplicate of such book that he has marked "Office Copy," as provided in Section 293, for the care and custody of which books so delivered to them, the inspectors receiving the same shall be responsible, and which books they shall return to the supervisor of registration within three days after the close of the election. The supervisor of registration shall not be authorized or required prior to any election to furnish copies of the registration books of his county, or to allow indiscriminate handling or examination thereof by any one, but he shall at all times allow any elector to examine as to the status of his own name upon the books of the election district to which such elector may belong.

299. **REGISTRATION OF FREEHOLDERS IN COUNTIES HAVING POPULATION IN EXCESS OF ONE HUNDRED FIFTY THOUSAND; STATEMENT UNDER OATH.**—In all of the Counties of the State of Florida having a population in excess of one hundred fifty thousand, according to the last preceding census authorized by the Legislature of the State of Florida, at the time of the registration of any voter, in addition to the oaths now required by law, it shall be the duty of the Supervisor of Registration to require each person so registering, to state, under oath, whether or not such person is a freeholder, and such person is hereby required to state under oath whether or not he or she is a freeholder and it shall be the duty of the Supervisor of Registration to note such fact upon the Registration Book opposite the name of such person.

300. **SAME: TIME WITHIN WHICH FREEHOLDERS MAY REGISTER.**—In every case where only freeholders are permitted to vote in an election provided by law, every qualified voter whose name appears upon the Registration Book shall have the right at any time up to twenty days prior to the date of the holding of such election, to go before the Supervisor of Registration and make oath that he or she has become a freeholder since his or her Registration, and it shall then be the duty of the Supervisor of Registration to note such fact upon the Registration Book.

301. **REGISTRATION BOOK AS CONCLUSIVE EVIDENCE THAT REGISTERED PERSONS ONLY QUALIFIED TO VOTE.**—In every election where only freeholders are permitted to vote in such Counties defined in Section 299, the Registration Book so made up by the Supervisor of Registration shall be conclusive evidence that only those persons whose names appear upon the Registration Book as freeholders qualified to vote, are all the freeholders qualified to vote in such County.

302. (246). **POLL TAXES.**—The supervisor of registration shall note on the registration books, which he shall furnish to the inspectors of the different election districts, the names of all persons registered therein who shall have paid on or before the second Saturday of the month immediately preceding the day of election, their poll or capitation taxes for two years next preceding the year in which such election is held, as shown by the lists furnished to the supervisor by the tax collector, and only such persons

shall be deemed qualified voters authorized to vote at any general, special or municipal election; Provided, That no person shall be prevented from voting on account of not having so paid a poll tax, for any year which shall not have been lawfully assessable against him by reason of his not having been of age, or was over the age of 55 years, or who has lost a limb in battle, and who shall have obtained from such supervisor a certificate to that effect, and shall at the time of offering to vote exhibit such certificate to the inspectors of election. And it shall be the duty of such supervisor upon proof being made to him to give such certificate to such person, without cost to such person, provided he is otherwise a duly qualified and registered voter.

303. (247). COUNTY COMMISSIONERS TO PREPARE BALLOT BOXES.—The county commissioners (or in case of a municipal election the city or town council) shall cause to be prepared or secured one ballot box for each polling place in their respective counties, of sufficient size to receive and contain all the ballots of the particular precinct or voting place for which it is intended, and it shall be plainly marked or labeled with the name of the election district or precinct, or number thereof, for which it is intended. Before any general or special election they shall place in said ballot box twice as many official ballots, so printed by them, as there are registered qualified electors in said election precinct, and after securely locking said box, sealing up the keyhole thereof, and all other openings, shall send the key thereof, in a sealed envelope, to the inspector of election of said election district, together with the box. The custodian shall be placed under oath or affirmation to perform his commission faithfully and impartially, without favor or prejudice to any political party.

304. (248). TAX COLLECTORS TO BE IN OFFICE FOR RECEIVING POLL TAXES FOR CERTAIN HOURS PRECEDING ELECTION. — The tax collector of each county shall in person or by deputy be present in his office from 9 A. M. to 1 P. M. and from 2 P. M. to 6 P. M. each day, Sundays excepted, for twenty days immediately preceding the second Saturday of the month preceding the day of any general or special election, for the purpose of receiving all poll taxes properly tendered to him; and he shall as soon as practicable after receiving the same, give receipts therefor in due form of law, in which receipts shall be stated the color and age of the elector and the number of the elec-

tion district in which such elector or persons paying such poll tax resides. The tax collector shall make a list of those who have paid their poll taxes in each year prior to the second Saturday of the month preceding the day in any year in which any general or special election shall be held, and such list shall be alphabetically arranged. The tax collectors of the several counties of this State, within five days after the second Saturday in the month preceding the day in any year in which any general or special election shall be held shall make a certified list in duplicate of all persons who have paid their poll taxes for the two years next preceding the year in which such election is held, prior to the second Saturday in the month preceding the day upon which such election shall be held; and one of said lists shall be delivered by the tax collector as soon as the same is completed to the supervisor of registration, to be filed in his office, and the other shall be forwarded to the Comptroller of the State of Florida, which he shall file in his office.

305. (249). APPOINTMENT OF INSPECTORS AND CLERKS OF ELECTION, AND DIVISION OF REGISTRATION BOOKS.—For the purpose of carrying on and conducting all such general or special elections, it shall be the duty of the County Commissioners in each county, at least twenty days prior to the holding of any general or special election therein, to appoint three intelligent, discreet and fair-minded inspectors of election and a clerk of election for each polling place in each and every election district in such county, all of whom shall be residents and registered qualified electors of the election district for which they shall be appointed; all of whom shall not belong to the same political party; Provided, however, that in cities of more than ninety thousand population according to the last official census preceding such election, the County Commissioners shall appoint, in each election district, as many inspectors and clerks as they may deem necessary for the holding of such election; and they may divide the registration books for each such election district in such manner as in their judgment will best facilitate the holding of such election. The County Commissioners in each county shall cause the name of such inspectors and clerk of election to be published in a newspaper published in such county, if there be a newspaper printed in the county, or posted in a conspicuous place at the Court House, if there be no newspaper printed in the county, for at least fifteen days before the day of holding any general or special election in such county.

306. (250). COMPENSATION OF INSPECTORS AND CLERKS.—Inspectors and clerks of any special or general election of any county shall be paid for their services by their respective board of county commissioners; and the inspectors who carry the returns of such election to their county seat and properly deliver them shall receive two dollars per day, and five cents per milé each way while performing such service. No elector who cannot read and write the English language shall be appointed inspector or clerk of election.

307. (251). FILLING VACANCIES, OATHS, MAJORITY TO CONTROL, ETC.—In case of the absence or refusal to act of any of the inspectors or clerks of election appointed by the board of county commissioners for any district or polling place, the qualified electors present favoring the ticket which the absent inspector, inspectors or clerk had been chosen to represent, shall choose from among their number one inspector, inspectors or clerk as will, together with the inspector, inspectors or clerk present, constitute a board of four; Provided, The inspector, inspectors or clerk so chosen shall (if any such be present), represent the same political party that the absent inspector, inspectors or clerk would represent if present, and the person or persons so chosen shall be authorized to act as inspectors or clerk of the election at the polling place where they may be chosen; and said inspectors and clerks shall each take and subscribe an oath or affirmation, which shall be written or printed, to the effect that they will perform the duties of inspectors and clerk of election according to law, and will endeavor to prevent all fraud, deceit or abuse in conducting the same. Such oath may be taken before any officer authorized to administer oaths, or before either of the persons who are to act as inspectors, one of them to swear the others, and one of the others thus sworn in turn to administer the oath to him who has not been sworn, and such oath shall be returned with the poll list and the returns of the election to the supervisor of registration. One of the inspectors shall be chosen by them as chairman of their board. (In any and all questions that may arise before said inspectors of election, the decision of a majority of them shall decide such question).

308. (252). POLLING PLACES.—There shall be in each and every election district in each county one polling place, presided over and managed by a board of inspectors

and clerk of election, as provided for by law. At each of said polling places a space, such as the inspectors of election shall deem fit and sufficient, shall be railed off and constructed, with an opening at one end or side for entrance of the voter and an opening at the other for his exit, as a polling place in which to hold the election. But one voter shall be allowed to enter any polling place at a time, and no one except the inspectors of the election shall be allowed to speak to the voter while in the polling place casting his vote, and no inspector shall speak to or interfere with any voter concerning the manner of his voting or any ballot he may vote, otherwise than to perform his duties as such inspector specified herein.

309. (253). **TIME OF OPENING AND CLOSING THE POLLS.**—The polls shall be opened at such voting places at 8 o'clock A. M. on the day of the election, and shall be kept open until sundown of the same day, the time to be observed for such opening and closing of the polls to be regulated by the customary time in standard use in such locality. The inspectors may, however, adjourn between twelve and one o'clock for half an hour. The inspectors shall make public proclamation of the opening and closing of the polls and the midday adjournment. During the adjournment the ballot box shall be kept in the possession of, and in view of two of the inspectors, who shall not have the key thereof, and during the election and canvass of the vote the ballot box shall not be concealed from the public.

310. (254). **SECRET BALLOT.**—In all elections hereafter held in this State on any subject which may by law be submitted to a vote of the people, and for all, or any State, county, district or municipal officers, the voting shall be by secret official ballots printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election to which this law applies, except it be provided as herein prescribed.

311. (255). **PAY FOR PRINTING BALLOTS.**—The printing and delivery of ballots and cards of instruction to voters hereinafter prescribed shall in municipal elections be paid for by the several cities or towns respectively, and in all other elections by the several counties respectively.

312. (256). **NAMES TO BE PRINTED ON BALLOTS, ETC.**—The Board of County Commissioners (or in case of a municipal election the authorities having power), of each

county shall cause to be printed on the ballots to be used in their respective counties, the names of all candidates who have been put in nomination by any convention or primary election of any State or National political party, in this State, when the same has been certified and filed with them not more than sixty days nor less than twenty days previous to the day of election, which certificate shall contain the name of each person nominated and the office for which he is nominated, and shall be signed by the presiding officer and secretary of such convention, or by the canvassing board of such Primary Election, and be duly acknowledged by one or more of them before an officer authorized to take acknowledgments in this State. Any qualified elector who has not participated, as a voter or candidate, in the affairs of a political party furnishing a nominee, as aforesaid, during its last convention or primary election, shall be entitled to have his or her name printed on said ballots for any office, upon request for him or her to be a candidate, by written petition signed, in case of a candidate for a State or Federal office, by at least twenty-five qualified electors from each county to participate therein; in case of a county or municipal office, by at least twenty-five qualified electors within such county or municipality, which electors shall be qualified to vote in the ensuing general election to be held. Such written petition shall be filed with the County Commissioners (or in case of a municipal election the authorities having power) not more than sixty days nor less than twenty days before the election, or the same shall not be recognized, unless said election be held to fill a vacancy in either House of the Legislature during a session thereof in which event said petition shall be filed not more than twenty days nor less than five days previous to the election. And in addition to the names printed on said ballots; and whether there be any names printed on said ballots or not, there shall be printed under each office to be voted for at the election, blank lines in number equal to the number of persons who may be elected to fill that office.

313. (257). WHEN NAME NOT TO BE PRINTED ON TICKET.—The name of no person shall be printed on the ballot who shall, not less than twenty days before the election, notify the Board of County Commissioners, in writing, acknowledged before an officer authorized by law to take acknowledgments, that he will not accept the nomination specified in the certificate of nomination or request of electors.

314. (258). **SUBSTITUTING CANDIDATE.** — When any person who has been regularly nominated and who shall decline to run for the office to which he has been nominated, the party by which such person was nominated shall be allowed five days after such declination to run by such person, in which to substitute another candidate.

315. (259). **SECRETARY OF STATE TO CERTIFY NOMINATIONS.**—In case of any person to be voted for by the electors of the whole State, or of any entire congressional district, such certificate of nomination shall be filed in the office of the Secretary of State not less than thirty days before the day of election, and such Secretary of State shall thereupon immediately certify to the Board of County Commissioners of each county in the State in case of an officer to be voted for by the electors of the whole State, and to the Boards of County Commissioners of the counties composing the congressional district in case of an

officer to be voted for by the electors of such district, upon suitable blanks to be prepared by him for that purpose, the fact of such nomination and the name of the nominee or nominees and the name of the office to which he or they may be nominated, and the name of such person shall be printed by the Board of County Commissioners upon the ballot in its proper place in all respects as herein provided for nomination filed in the office of the Board of County Commissioners.

316. (260). **PRESERVATION OF CERTIFICATES AND PETITIONS OF NOMINATIONS.**—The Board of County Commissioners shall cause to be preserved in the office of the clerk of the circuit court all certificates and petitions of nominations filed therein under the provisions of this law for six months after the election for which such nominations are made.

317. (261). **ORDER OF TITLES AND NAMES ON BALLOTS.**—The ballots printed in accordance with the provisions of this law shall contain the names of all candidates nominated as hereinbefore provided who have not declined. The names of all candidates for the same office shall be printed together, irrespective of party. But the order in which the titles to the several offices to be filled shall be arranged upon the ballots shall be left to the discretion of the officer charged with the printing of the said ballots.

318. (262). **CONSTITUTIONAL AMENDMENT.**—Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of each amendment or other public measure shall be twice in the same language indicated upon the ballot after the list of candidates, followed in one case by the word "Yes" and in the other case by the word "No."

319. (263). **COPY OF CONSTITUTIONAL AMENDMENTS TO BE POSTED.**—Whenever an amendment or amendments to the Constitution of this State are to be voted upon at any election, the county commissioners of each and every county in this State shall have any such amendment or amendments printed in clear and legible type and a copy thereof conspicuously posted at each voting precinct in such county upon the day of election. Such printed amendments to be furnished the county commissioners by the Secretary of State.

320. (264) **DIRECTIONS FOR PRINTING BALLOTS.**—All ballots provided by the Board of County Commissioners of any county for an election shall be alike, printed in plain type in straight lines upon plain white paper, so thick that the printing cannot be distinguished from the back, with a slender line between each name, and extending sufficiently to the left of the names to easily permit marking before each name a cross mark (X), and in the appropriate place the words "Vote for one," (or two, or other number as the case may be), to indicate the numbers which may be elected to each office, and shall be substantially in the form prescribed in Section 321 (except that the order in which the several offices to be filled are stated may be varied): Provided, That nothing in the section shall be construed to prohibit the names of the several candidates for national, state and county offices, and other matters to be voted on, being printed in the same order as now and in one or more columns on the same ballot.

321. (265). **FORM OF BALLOT.**—Official ballot, election A. D. 19..... (year to be printed.) Precinct No..... County, (precinct and county to be printed.) (Make a cross mark (X) before the name of the candidate of your choice).

FOR GOVERNOR

Vote for one:

William Jones.

John Smith.

FOR SECRETARY OF STATE

Vote for one:

William King.

Thomas Moore.

James Simpson.

FOR SHERIFF

Vote for one:

Thomas Jones.

George Smith.

James White.

FOR REPRESENTATIVE IN GENERAL ASSEMBLY

Vote for one (or more as case may be):

William Daniels.

John Doe.

CONSTITUTIONAL AMENDMENT
ARTICLE....., SECTION.....

Yes.

No.

CONSTITUTIONAL AMENDMENT

ARTICLE....., SECTION.....

 Yes.

 No.

322. (266). **BALLOTS TO BE FASTENED TOGETHER.**—All ballots for use in each precinct or ward shall be fastened together in convenient numbers in books or blocks, in such manner that each ballot may be detached and removed separately. Each ballot shall have attached to it a stub with perforated lines of sufficient size to enable one of the inspectors to write or stamp his name or his initials thereon, and so attached to the ballots that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

323. (267). **NUMBER OF BALLOTS FOR EACH VOTING PLACE.**—There shall be provided for each voting place at least one hundred ballots for each fifty registered qualified electors at said polling place.

324. (268). **BOOTHES.**—The County Commissioners of each county (or in case of a municipal election, the mayor or other chief executive officer), shall provide at each polling place, a room or covered enclosure and in such place or covered enclosure shall provide booths or compartments, one both or compartment for each one hundred or fraction of one hundred over fifty qualified electors registered for that election, and furnish each with a shelf or table for the convenience of electors preparing their ballots. Each booth or compartment shall be so arranged that it will be impossible for one elector at a shelf or table in one compartment to see an elector at a shelf or table in another compartment in the act of marking his ballot. Each voting table or shelf shall be kept supplied with conveniences for marking the ballots.

325. (269). **PUBLIC EXCLUDED FROM VOTING PLACE.**—No person shall be permitted under any pretext whatever to come within fifteen feet of any door or window of any polling room from the opening of the polls until the completion of the count of the ballots and certificates of returns, except as herein provided.

326. (270). INSTRUCTIONS FOR ELECTORS.—The Board of County Commissioners (or in case of a municipal election the city or town council) of each county shall cause to be printed, in large type on cards, instructions for the guidance of electors in preparing their ballots. They shall furnish to the inspectors twelve, or more if necessary, such cards for each precinct or ward, and it shall be the duty of the inspectors to post one of such cards in each booth or compartment for the preparation of ballots and not less than three in prominent places elsewhere and outside of the polling place on the day of election. Said cards shall be printed in large, clear type, and shall contain full instructions to electors as to what shall be done: First, to obtain ballots for voting; second, to prepare the ballots for deposit in the ballot box; third, to obtain a new ballot in the place of one accidentally spoiled.

327. (271). NOT TO GO WITHIN FIFTEEN FEET OF POLLING PLACES.—Except as electors are admitted, one at a time, to vote, and except the sheriff or his deputy, the inspectors and clerks of election, and as many electors as there may be booths or compartments, no person shall be permitted within fifteen feet of the polling place. No sheriff, deputy sheriff or city policeman shall enter the polling place without permission from a majority of the inspectors of the election, except to cast his own ballot.

328. (272). CHALLENGES.—When the right to vote of any person who demands to be permitted to vote is questioned by any elector, the said challenge shall be communicated to the inspectors before the person is permitted to vote, by the sheriff or some other officer or person in attendance and in charge of admission to the polling place, when his right to vote must be determined as required by law.

329. (273). TO OCCUPY BOOTHS ALONE AND ONLY FOR FIVE MINUTES.—No elector, while receiving, preparing and casting his ballot, shall occupy a booth or compartment for a longer time than five minutes. No elector shall be allowed to occupy a booth or compartment already occupied by another, not to speak or converse with anyone, except as herein provided, while in the polling place.

330. (274). TO ENTER POLLING PLACE FOR VOTING ONLY.—After having voted, or declined or failed to

vote within five minutes, the elector shall immediately withdraw from the place and go beyond the prohibited distance, and shall not enter the polling place again.

331. (275). VOTING.—Each elector, upon entering the polling place, shall be given one ballot by the inspectors. Before delivering the ballot to the elector, at least one of the inspectors shall write in his own hand his initials or name on the stub attached to the ballot. On receiving the ballot, the elector shall forthwith and without leaving the polling place, retire alone to one of the booths or compartments provided for that purpose, and there prepare his ballot by marking with pen and ink or pencil, in the appropriate margin or place a cross mark "X" before the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and marking the cross mark "X" in the appropriate margin, and likewise by marking the cross "X" before the answer he desires in case of a constitutional amendment or other question submitted to a vote of the people.

332. (276). WHO MAY HAVE ASSISTANCE IN PREPARING BALLOT.—Any elector applying to vote who by reason of blindness or the loss of the use of his hand or hands is unable to prepare his ballot, may have the assistance of the inspectors in the preparation of his ballot, who shall retire to a booth or compartment with the elector and there prepare the elector's ballot, so as to indicate the elector's declared choice of candidates as to each office to be filled without suggestion or interference from inspectors. But in all cases any elector before retiring to the booth as provided in this section may have one of the clerks of the election to read over to him the titles of the offices to be filled and the candidates therefor.

333. (277). ELECTOR DECLARING HIS CHOICE.—Before any elector applying for assistance in the preparation of his ballot as provided for in the preceding section, shall be required or permitted to declare his choice of candidates, all electors, including those in the booths or compartments, after voting shall be required to withdraw from the voting place.

334. (278). SPOILED BALLOTS.—Any elector who shall, by accident or mistake, spoil a ballot, so that he cannot conveniently or safely vote the same, may return it to

the inspectors who shall immediately detach the stub and destroy, without examination, the ballot so returned, and shall give to the elector another ballot in lieu thereof, but in no case shall an elector be furnished with more than three ballots. In no case shall any person be permitted to carry a ballot outside of the polling room. A record shall be kept by the clerk of election of all ballots destroyed, as herein provided for.

335. (279). DEPOSITING BALLOT.—After preparing his ballot the elector shall fold the same so as to conceal the face thereof and show the stub thereto attached, with the name or initials of the inspector, and hand it to the receiving inspector who shall detach the stub therefrom and return the ballot to the elector who shall deposit the ballot in the ballot box in the presence of the inspectors. All stubs detached from ballots as provided for in this section shall be numbered consecutively and filed by the inspectors.

336. (280). MARKING MORE NAMES THAN PERSONS TO BE ELECTED.—If the elector marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the elector's choice for any office to be filled, his ballot shall not be counted for such office; but this shall not vitiate the ballot, so far as properly marked, and nothing herein shall be construed to prevent any elector from voting for any qualified person other than those whose names are printed on the ballot.

337. (281). CLERK TO KEEP LIST OF THOSE VOTING.—When any person shall have voted, his name shall be checked on the margin of the page opposite thereto upon the registration books by one of the inspectors, and the clerk of the election shall keep a poll list, which shall contain one column headed "Names of voters," and the name of each elector voting shall be entered by the clerk in such column as he votes. And the inspectors of election shall have the authority and power to prevent all repeating, and to prevent any person from voting a second time at the same election when they have good reason to believe such person has already voted. They shall have full power to refuse to allow any person to vote who is not a qualified elector, or who has become disqualified for any cause to vote in such election district. They may also prevent any elector from consuming more time than five minutes in voting. But no inspector

shall examine, read or handle the ballot being voted or about to be voted by an elector, or interfere in any way with the voting of any elector otherwise than is herein provided.

338. (282). INSPECTORS TO MAINTAIN GOOD ORDER.—The inspectors shall possess full authority to maintain good order at the polls and enforce obedience to their lawful commands during an election, and during the canvass and estimate of the votes.

339. (283). DEPUTY SHERIFF AT EACH POLLING PLACE.—There shall be at each polling place in each election district, a deputy sheriff, to be deputized for such purpose by the sheriff of the county, who shall be required to be present during the whole time that the polls are kept open and until the election is completed, who shall be subjected to all lawful commands of the inspectors, and who shall see that there is no interruption of good order. Such deputy sheriff shall have power, when necessary to maintain the peace, to summon a posse from among the bystanders to aid him in maintaining the peace and good order at the polls.

340. (284). SHERIFF AND OTHER OFFICERS NOT ALLOWED IN POLLING PLACES.—No sheriff, deputy sheriff, policeman or other officer shall be allowed to come within the polling place unless summoned in to the same by a majority of the inspectors. On failure of any sheriff, deputy sheriff, policeman, or other officer to comply with the provisions of this section, it shall be the duty of the inspectors of election or one of them, to make affidavit against such sheriff, deputy sheriff, policeman or other officer for their arrest.

341. (285). CANVASS OF BALLOTS.—At the close of the election at each polling place in each election district the inspectors and clerk shall immediately proceed to open the ballot box and in the presence of the public if there be any present who desire to witness said canvass, count the ballots therein and continue such count without adjournment or interruption until the same is completed. The ballots shall be first counted, and if the number of ballots shall exceed the number of persons who shall have voted, as may appear by the poll list kept by the clerk, and by the stubs detached by the inspectors, the ballots shall be replaced in

the box and one of the inspectors shall publicly draw out and destroy unopened and unexamined as many of such ballots as shall be equal to such excess. If two or more ballots shall be found folded together, so as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed, and if, upon comparison of the count, and the appearance of such ballots, a majority of the inspectors shall be of the opinion that the ballots thus folded together were voted by one person such ballot shall be destroyed.

342. (286). PROCLAMATION OF RESULT AND RETURNS.—The canvass being completed, the result shall be publicly proclaimed. Duplicate certificates of the result of such election shall be drawn up by the inspectors or clerk at each and every election district, which shall contain in words written, at full length, the name of each person voted for for each office, and the number of votes cast for each person for such office, and if any question shall be submitted to an election, such certificate shall also contain the number of votes cast for and against such question; which certificate shall be signed by the inspectors and clerk, and one of such certificates shall be by one of the inspectors delivered, without delay, securely sealed, to the supervisor of registration, and the other to the county judge of the county; and the poll lists and oaths of the inspectors and clerks, together with all ballot boxes, ballots, ballot stubs, memoranda and papers of all kinds used by the inspectors and clerk in conducting such election shall also be transmitted, sealed up by the inspectors, with the certificates of the result of the election, to the supervisor of registration, to be filed in his office.

343. (287). CANVASS OF RETURNS.—On the sixth day after any election, or sooner, if the returns shall have been received, it shall be the duty of the county judge and the supervisor of registration, to meet at the office of the said supervisor of registration, and take to their assistance the chairman or other member of the board of county commissioners, and in case of absence, sickness, refusal to act, or other disability of the county judge or supervisor of registration, another member of the Board of County Commissioners, who shall be designated by the chairman of said board, shall act in his place, who shall constitute and be the county canvassing board of elections, and they shall publicly proceed to canvass the vote given for the several

offices and the persons as shown by the returns on file in the offices of such county judge and supervisor of registration. Such canvass shall be made solely, exclusively and entirely from the returns of certificates of the inspectors in each election district, as signed and filed by them with the county judge and supervisor of registration respectively, and in no case shall the board of county canvassers change or vary in any manner the number of votes cast for the candidates, respectively, in any polling place in the county, as shown by the returns of the inspectors of such polling place.

344. (288). **CERTIFICATE OF RESULT OF CANVASS.**—They shall compile the result of the election, as shown by said inspector's returns, and shall then make and sign duplicate certificates containing in words and figures, written at full length, the whole number of votes given for each office, the names of the persons for whom such votes were given, for such office, and the number of votes given for each person for such office; such certificate shall be recorded by the supervisor of registration in a book to be kept by him for that purpose, which book shall be furnished by the Board of County Commissioners and shall be labeled "Record of Election Returns," and one of such duplicates shall immediately be transmitted by mail or by express to the Secretary of State and the other to the Governor of the State.

The Supervisor of registration shall transmit by mail to the Secretary of State, immediately after the county canvassing board shall have canvassed the returns for State and county officers, a list giving the names of all county officers elected, and the office for which each was elected, with the postoffice address of such county officers-elect, in their respective counties.

345. (289). **SUPERVISOR OF REGISTRATION TO GIVE CERTIFICATE TO PERSON ELECTED.**—In case any county officer shall be elected at any election, the supervisor of registration shall give to the person who shall be elected, a certificate of his election and the supervisor of registration shall give to any person desiring a copy of such returns from the record a certified copy thereof, or of such part thereof as may be desired, upon payment to him of the customary fees for copying and certifying papers in the office of the clerk of the circuit court.

346. (290). WHEN CANVASS MADE IN CERTAIN COUNTIES.—For the counties of Monroe, Dade, Brevard, Manatee, Osceola and DeSoto, in case the returns of the election held in such counties shall not be received by the judge and the supervisor of registration within six (6) days after the close of any election, the county canvass shall be made as soon thereafter as said returns shall be received by the county judge or supervisor of registration, and within twenty days after said election.

347. (291). PERSONS RECEIVING HIGHEST NUMBER OF VOTES ELECTED.—The person who shall receive the highest number of votes cast for one office shall be elected to such office. In case two or more persons shall receive an equal and the highest number of votes for the same office, another election therefor shall be held upon the order of the Governor as in other cases of special elections.

348. (292). BOARD OF STATE CANVASSERS.—On the thirty-fifth day after the holding of any general or special election for any State officer, member of the Legislature or representative in Congress, or sooner if the returns shall have been received from the several counties wherein elections shall have been held, the Secretary of State, the Comptroller and the Attorney-General, or any two of them, together with any other administrative officer of the executive department who may be designated by them, shall meet at the office of the Secretary of State, pursuant to notice to be given by the Secretary of State, and they shall be a board of State canvassers, and as such shall proceed to canvass the returns of said election and determine and declare who shall have been elected for such office, or as such member, as shown by such returns.

349. (293). FALSE AND FRAUDULENT RETURNS.—If any such returns shall be shown or shall appear to be so irregular, false or fraudulent that the board shall be unable to determine the true vote for any such officer or member, they shall so certify and shall not include such returns in their determination, canvass and declaration. And the Secretary of State shall file and preserve in his office all such returns, together with such other documents and papers as may have been received by him, or by said board of canvassers. The said board of State canvassers shall canvass the returns for presidential electors, and rep-

representatives to the Congress of the United States separately and distinct from their canvass of the returns for the State officers and members of the Legislature.

350. (294). **WHAT CERTIFICATES TO CONTAIN.**—They shall make and sign separate and distinct certificates of the result of the election for national officers and for said State officers, which certificates shall contain in words written at full length the whole number of votes given for each person for each office and for member of the Legislature and State Senator, and therein declare the result; which certificates, the one including the result of the election for presidential electors and representatives to Congress, and the other including the result of the election for State officers, members of the Legislature and State Senators, shall be recorded in the office of the Secretary of State, in a book to be kept by him for that purpose. And the Secretary of State shall cause a certified copy of each of said certificates to be published once in one or more newspapers printed at the capital of the State.

351. (295). **SECRETARY OF STATE TO MAKE CERTIFICATE AND TRANSMIT TO PERSON ELECTED.**—The Secretary of State shall make and transmit to each person chosen to any State office, immediately after the State canvass, a certificate showing the number of votes cast for each person for such office, at such election; which certificate shall be prima facie evidence of his election to such office.

352. (296). **PRESIDENTIAL ELECTORS AND REPRESENTATIVES TO CONGRESS.**—When any person shall be elected to the office of elector of President and Vice-President, or representative in the Congress of the United States, the Governor shall make out, sign and cause to be sealed with the seal of the State, and transmit to such person a certificate of his election to such office.

353. (297). **BLANKS AND FORMS, AND ELECTION LAWS.**—The Secretary of State is hereby required to cause to be prepared, all proper blanks and forms, for the use of inspectors of election and for county canvassers, conformable to the provisions of this article, and he shall, at least sixty days before any general election, transmit to the supervisor of registration of each county a sufficient number thereof for the several polling places in each election dis-

trict within each county; and shall also have printed a sufficient number of the laws regulating general elections to supply the several counties and polling places in each election district in said counties, and transmit the same with the forms aforesaid; and the supervisor of registration in each county shall furnish to the inspectors of election at each polling place at each election district in such county, a sufficient number of such forms and copies of election laws for the use of such inspectors at the election.

354. (298). **TEMPORARY CHANGE OF POLLING PLACE IN CASE OF AN EPIDEMIC.**—Nothing in this article shall be so construed as to prohibit the county commissioners in any county at any time, in case an epidemic shall exist in any city or town in such county, at the time of holding any election in such county, from establishing at any safe and convenient point outside of such infected locality, proper additional polling places for the electors resident in the infected district, at which polling places the electors of such infected district shall be allowed to vote, if properly qualified otherwise; and in such cases the registration books belonging to such infected district shall be applicable to and shall be used at such polling places thus established.

ABSENT VOTERS

429. (368). **WHEN QUALIFIED ELECTORS MAY VOTE IN ANOTHER PRECINCT.**—It shall be lawful for any qualified elector of the State of Florida who may, on the occurrence of any general or primary election hereafter held pursuant to law in this State, be unavoidably absent from his county because his duties or occupation require him to be elsewhere within the State, to vote in any voting precinct in the State where he may present himself for that purpose on the day of such election or primary under the regulations hereinafter prescribed, with like effect as though he were casting his vote in his own county and voting precinct.

430. (369). **HOW BALLOT PROCURED; OATH REQUIRED; METHOD OF VOTING.**—The voter so entitled to vote shall present himself at the polls in any precinct in the State where he may be on such primary or general election day, during the regular voting hours provided by law, and before being allowed to vote, such voter shall present a certificate of registration certified to by the registration

officer of the county or precinct in which he resides, together with poll tax receipts for the two years prior to the date of such election where poll tax is required by law, to be furnished to any registered or otherwise qualified voter by the proper officer upon demand prior to election day, and shall be identified in person to the election inspectors in the precinct where he offers to vote, by one or more resident voters in such precinct, and in addition make and subscribe before one of the election inspectors an affidavit in substance as follows:

"State of Florida,

County of.....

I do solemnly swear that I have resided in the State of Florida for one year, and in.....County for six months that I am a duly qualified voter in Precinct.....of said county; that I am a citizen of the United States and a qualified elector under the laws of the State of Florida; that I am a member of the.....party, and that because of my duties as.....I am required to be absent from my county and precinct on this day. I have had and will have no opportunity to vote there, and that I have not voted elsewhere at this election.

Any inspector of elections in any voting precinct in the State is hereby authorized to administer the oath and take and certify the affidavit. Thereupon the affiant shall be given an official ballot, printed like the other official ballots as to National and State candidates, constitutional amendments, county and district candidates, and such voter shall write in the names of such candidates in the blank space left for that purpose not printed thereon as he may desire to vote for and mark the same as any resident voter, as prescribed by the general election and primary election laws of the State of Florida, and shall fold the same and hand it to the inspectors of election, but such ballot shall not be deposited in the ballot box, nor be entered upon the poll books. It shall, together with the affidavit, be securely sealed in an envelope, upon the back of which one of the inspectors of election shall write: "The ballot of....., an absent voter of.....Precinct, in the county of.....," which shall be signed by the inspectors of election.

431. (370). VOTES MAILED TO COUNTY JUDGE.—All such envelopes shall, by the inspectors of election, be filed immediately with the county judge of the counties

where such votes were cast with the other election returns of such primary or general elections and receipt taken therefor, and said county judge shall immediately mail them by special delivery postage prepaid to the county judge of the respective counties where such voters belong.

432. (371). CANVASSING ABSENT VOTER'S BALLOT.—The county judge of the county where such absent voter resides shall receive such ballot and shall safely keep and preserve same unopened in his office until the board of county canvassers canvass the vote according to law, at which time the board of county canvassers, in the presence of the county judge, and no other person, shall open said envelope and record the said ballot upon the poll book of the proper precinct in their possession in the same manner as clerks of elections record votes, provided said canvassing board shall find the name of such absent voter duly registered among the voters of such precinct, as required by law in other cases of resident voters, and in so canvassing the vote of all absent voters taken as herein provided, which shall appear to have been duly registered as required by law in their respective precincts, and add the same to the total of the poll sheet in arriving at the total result of the election in the precinct where the voter lives.

433. (372). BALLOTS KEPT IN COUNTY JUDGE'S OFFICE.—Said ballot after being so opened and counted by the county board of canvassers shall be sealed in an envelope with the endorsement thereon: "Vote of..... Precinct (or..... Ward of..... City.)" and the same shall be kept in the county judge's office as other ballots are kept until destroyed according to law, and in case of contested elections, the same shall be opened and counted as in other cases, but in case the board of county canvassers shall not find the name of such absent voter registered among the voters of his precinct, one of such board shall endorse on the envelope containing the ballot "Not Registered," and such ballot shall not be counted or removed from the envelope, and the envelope and the ballot therein shall be preserved by the county judge in his office, as in case of a ballot that has been so counted.

434. (373). REGISTRATION OFFICER TO SUPPLY FORM.—Every county registration officer shall supply the inspectors of election with a reasonable number of printed forms of affidavits of the character described in Section 430.

435. **MANNER AND CONDITIONS UPON WHICH ABSENT VOTERS MAY VOTE.**—It shall be lawful for any qualified elector of the State of Florida, who may be absent from his or her home county on the occurrence of any general, special or primary election hereafter held pursuant to law in this State, whether National, State, County, District or Municipal, to vote at such election in the manner and upon the conditions hereinafter provided.

436. **PROCURING OF BALLOT; OATH REQUIRED; METHOD OF VOTING.**—Any qualified elector, who expects to be absent from his or her home county on the day of any election hereafter held, may apply in person to the County Judge of his or her home county, or to the Clerk of the Municipality in case of municipal elections, for an official ballot to be used at his or her voting precinct or ward at such election, and it is hereby made the duty of all County Judges in this State, and of the several clerks of the municipalities in the State, in case of municipal elections, to furnish one such official ballot to each elector so applying therefor at any time not more than fifteen days nor less than three days next prior to the day of such election, upon satisfactory proof to such County Judge or Municipal Clerk, as the case may be, that the applicant therefor is qualified to vote at such election and upon such elector taking and subscribing to the following oath or affidavit which is to be printed upon the front of large envelopes to be furnished the several County Judges and Municipal Clerks for that purpose, to-wit:

"State of Florida, County of

I, the undersigned, do hereby solemnly swear that I have resided in the State of Florida for one year and in the County, City or Town of for six months; that I am a duly qualified voter in precinct or ward No. of said county or municipality; that I am a citizen of the United States and a qualified elector under the laws of the State of Florida; that I expect to be absent from my home County of on the occasion of the election to be held in on the day of A. D. 19; that I will not have an opportunity to vote thereat personally and will not attempt to do so.

.....
Electors.

Sworn to and subscribed before me this the.....
day of....., A. D. 19.....

County Judge or Municipal Clerk."

Such oath or affidavit shall be taken and signed before such County Judge or Municipal Clerk, as the case may be, and the several municipal clerks are hereby authorized to administer such oaths.

The said elector shall then and there and at the time of receiving such ballot, mark the same as required by law in such cases, and after folding the same, shall securely seal such ballot in a plain envelope, to be furnished him by such County Judge or Municipal Clerk, which said ballot so sealed in a plain envelope shall then and there in the presence of such County Judge or Municipal Clerk be sealed in the envelope on which is contained the oath or affidavit so taken and subscribed by him as hereabove provided, and upon the back and across the flap of which shall be written or printed the following:

"The ballot of....., an absent voter of precinct or ward No..... of..... Florida," with the blanks properly filled in and signed across the flap by both such elector and County Judge, or Municipal Clerk, in the presence of each other.

Said ballot so marked and sealed shall thereupon be deposited with and received by such County Judge, or Municipal Clerk, as the case may be, whose duty it is hereby made to safely keep and preserve the same in his possession until such time as the official ballot box for the voting precinct, or ward, of such elector is prepared when the same shall be deposited in such ballot box for the voting precinct, or ward of such elector, together with the other contents thereof as required by law. Upon opening the ballot box preparatory to opening the polls at such election, the inspectors and clerk of such election for the several precincts and wards shall take from the several ballot boxes all such ballots so voted by absent voters, and if, and only when, it is found upon an examination of the registration books and poll list furnished such inspectors, or other sufficient evidence, that such elector is qualified to vote at such election, then the said electors shall, after the said ballot box has been closed and locked for the purpose of voting, thereupon break the seal of the outer envelope containing said vote and deposit

said ballot in the said ballot box, but leaving such ballot sealed in the blank envelope to be opened and counted by such inspectors in canvassing and counting all of the votes cast at such election. The outer envelope containing the affidavit or oath herein provided shall be carefully preserved by such inspectors and delivered by them to the canvassing board for said election along with the returns thereof. In case it be found by the inspectors that such elector, so attempting to vote, is not qualified or entitled to vote at such election, then and in such event the said ballot shall not be deposited in said ballot box, but shall be left in the outer envelope and by them delivered to the canvassing board, along with their returns of the election, and also with a notation on said envelope of their reasons for not depositing said ballot in the ballot box. Provided that no elector shall be allowed to vote under the provisions of this law later than three days immediately preceding the day on which such election is held, and provided further that all ballots so voted shall be secret.

437. DUTY OF OFFICIALS TO HAVE PRINTED ABSENT VOTERS' BALLOTS AND ENVELOPES.—For the purposes of this law it is hereby made the duty of the several officers, whose duty it is to prepare and have printed the official ballot to be used at any election hereafter held in this State, to prepare a sufficient number of ballots, in all respects identical with the official ballot, to be used as absent voters ballots, which said absent voter's ballots shall be by such official or officials delivered to the several County Judges, or Municipal Clerks, as the case may be, not later than fifteen days immediately prior to the day on which such election is held. The number of such absent voter's ballots to be furnished may be determined by the several County Judges, or Municipal Clerks. It is also made the duty of the several officials, whose duty it is to prepare and have printed the official ballots for any election, to also prepare a sufficient number of envelopes with the affidavit and endorsement herein provided printed thereon, and to furnish the same in sufficient number as determined by the several County Judges and Municipal Clerks, at the same time of furnishing the absent voter's ballots as herein provided.

438. EFFECT OF DEATH OF VOTER BEFORE HOUR FOR OPENING POLLS.—In case any elector who votes under the provisions of this law shall die or become otherwise disqualified as an elector before the hour of opening

the polls on the day of such election, the ballot of such elector shall not be opened or counted in such election, but shall be by the inspectors preserved in the condition in which the same is found in the ballot box, with the notation on the outer envelope containing the same of the fact of the death or disqualification of such elector, and by them delivered to the canvassing board of such election, along with their returns.

CONTESTING ELECTIONS

439. (374). **CONTEST OF SEAT IN LEGISLATURE.**—If any candidate of the proper county or district contest the election of any Senator or member of the House of Representatives of this State, he shall give notice thereof in writing to the person whose election he contests, or leave written notice thereof at the house where such person has last resided with some person over fourteen years of age, such person being a member of the family residing in such house, or residing with such family, within twenty-five days after the canvass by the State canvassing board of the returns of such county, expressing in said notice the points on which the same shall be contested, and the name of the county judge or clerk of the circuit court who will attend at the taking of depositions, and where and when such depositions will be taken.

440. (375). **BOTH PARTIES MAY TAKE DEPOSITIONS.**—The party whose election is contested, as well as the contestant, may take depositions before either of said officers, upon reasonable notice to the adverse party.

441. (376). **ISSUANCE OF SUBPOENAS AND ATTACHMENT OF WITNESSES.**—Any county judge or clerk who may be called upon to do so, shall issue subpoenas to compel the attendance of any witness residing within his county, to give testimony at the time and place mentioned in such subpoena; and if necessary, may compel the attendance and testifying of such witnesses by attachment.

442. (377). **WRITING AND TRANSMISSION OF DEPOSITION.**—The officer taking any such deposition shall reduce the same to writing; either party may examine or cross-examine any witness, and require his answers to be taken down, if pertinent to the points in contest; the officer taking the deposition shall certify the same, and transmit it to the presiding officer of the proper house.

443. (378). **LIMIT OF TIME FOR TAKING TESTIMONY.**—No testimony shall be taken at the instance of either party after the meeting of the Legislature, unless authorized by resolution of the house in which such contest shall be pending.

444. (379). **CONTEST OF ELECTION TO CERTAIN COUNTY OFFICES.**—The election of any person to the office of county judge, clerk of the circuit court, sheriff, county assessor of taxes, tax collector, county superintendent of public instruction, justice of the peace or constable, may be contested before the circuit court of the county in which such election was held by any person claiming to be elected to such office, as follows:

Such contestants shall, within twenty-five days after the canvass by the county canvassing board of the election returns of such office, file a petition in the office of the clerk of said court, and serve a copy thereof on the contestee by delivering the same to him or leaving the same at the house where he has last resided, with some person over fourteen years of age, such person being a member of the family, residing in such house or residing with such family. He shall set forth in his petition the particular grounds on which he intends to rely to establish his right to such office. The contestee shall file his answer within twenty-five days after such service of copy, and if he fail so to do the contestant may proceed in the matter *ex parte*. The judge of said court shall proceed in a summary way to hear and determine the matter without a jury and to give judgment therein either in or out of term.

445. (380). **TESTIMONY, HOW TAKEN.**—Testimony may be taken before the court or judge thereof or before any person or persons whom such judge shall appoint as commissioner or commissioners to take such testimony. Such commissioner shall have like powers and proceed after the manner of an examiner in chancery. Upon application of either party, commissions may also issue and depositions be taken as in other cases on the common law side of the court.

446. (381). **JUDGMENT OF OUSTER, COMMISSION.**—If the petitioner shall be found to be entitled to such office and the adverse party has been commissioned or has entered upon the duties thereof or is holding the same, judgment of ouster shall be pronounced against such party;

and upon presentation of a certified copy of such judgment to the Governor he shall revoke such commission, and he shall commission the person found in the judgment of the court to be entitled to the office, upon such person complying with all the laws of the State to entitle him to receive such commission.

447. (382). WRIT OF ERROR.—Writ of error from the Supreme Court shall lie as in other cases on the common law side of the Court and with like procedure.

448. (383). QUO WARRANTO NOT ABRIDGED.—Nothing in the foregoing sections shall be construed to abrogate or abridge in any way any remedy that may now exist by quo warranto, but in such case the proceeding by petition hereinbefore provided shall be taken to be an alternative or cumulative remedy.

PRESIDENTIAL ELECTORS

449. (384). TO MEET AND PERFORM DUTIES.—The electors of President and Vice-President who shall be chosen, shall, at 12 o'clock on the day which is or may be directed by the Congress of the United States, meet at the seat of government of this State, and shall then and there perform the duties enjoined upon them by the Constitution and laws of the United States.

450. (385). PENALTY FOR MISCONDUCT. — The several persons who shall be appointed to conduct the election of electors of President and Vice-President of the United States, shall, for neglect of duty or for improper conduct, be liable to the same penalties and forfeitures as are or may be provided by law for regulating elections in this State.

451. (386). MEETING OF ELECTORS AND FILLING OF VACANCIES.—Each elector of President and Vice-President of the United States, shall, before the hour of 12 o'clock on the day next preceding the day fixed by the law of Congress to elect a President and Vice-President of the United States, give notice to the Governor that he is at the seat of government, and ready at the proper time to perform the duties of elector; and the Governor shall forthwith deliver to the electors present a certificate of the names of all the electors; and if, on examination thereof, it should be found that one or more of said electors are absent, and

shall fail to appear before 10 o'clock in the morning of the day of election of President and Vice-President as aforesaid, the electors then present shall immediately proceed to elect by ballot, in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the non-attendance of one or more of the electors.

452. (387). PLURALITY OF VOTES TO FILL VACANCY.—PROCEEDINGS IN CASE OF TIE.—If any more than the number of persons required to fill the vacancy or vacancies as aforesaid shall have the greatest and an equal number of votes, then the election of those having such equal and highest number of votes shall be determined by lot to be drawn by the Governor in the presence of the electors attending; otherwise, he or they, to the number required, having the greatest number of votes, shall be considered elected to fill said vacancy or vacancies.

453. (388). PERSON ELECTED TO FILL VACANCY TO PERFORM DUTIES OF ELECTOR. — Immediately after such choice is made in manner aforesaid, the name or names of the person or persons so chosen shall forthwith be certified to the Governor by the electors making such choice, and the Governor shall cause immediately notice in writing to be given to such and every elector chosen to fill such vacancy or vacancies as aforesaid; and the said person or persons so elected and notified, and not the person or persons in whose place he or they shall have been chosen, shall be electors, and shall meet the other electors at the same time and place, and then and there discharge all and singular the duties enjoined on him or them as electors as aforesaid by the Constitution and Laws of the United States and of this State.

454. (389). IN CASE OF VACANCY IN THE OFFICE OF PRESIDENT AND VICE-PRESIDENT. — Whenever the office of President and Vice-President of the United States shall both become vacant, it is hereby declared to be the duty of the Governor of this State for the time being, upon receiving a notification of such vacancy from the Secretary of State of the United States, or other proper officer, forthwith to issue his proclamation directing an election for electors of President and Vice-President of the United States as herein prescribed for holding the regular and stated elections thereof; and the electors elected under this section shall meet at the seat of government and discharge

all and singular the duties enjoined on electors of President and Vice-President of the United States by the Constitution and laws of the United States, and of this State.

455. (390). COMPENSATION OF ELECTORS.—Each and every elector who shall attend as an elector at the seat of government as aforesaid, shall be entitled to receive three dollars for each and every day's attendance, and ten cents for every mile of travel of the estimated distance by the most usual route from his place of residence to the seat of government, and the like sum for returning; which sum shall be allowed by the Comptroller, on the certificate of the Governor, and paid by the Treasurer out of any moneys in the treasury not otherwise appropriated.

ELECTION OF UNITED STATES SENATORS

456. (391). ELECTED IN GENERAL ELECTION.—The Senators from Florida in the Congress of the United States shall be elected at the general elections in the State held next preceding the expiration of the terms of office of such Senators, and such elections shall conform as near as practicable to the methods and means provided for the election of State officers.

457. (392). FILLING VACANCIES.—Should a vacancy happen in the representation of this State in the Senate of the Congress of the United States, the Governor shall issue writs of election to fill such vacancy at the next general election; and the Governor may make temporary appointments until the vacancy is filled by election.

PERSONS ELIGIBLE TO OFFICE

458. (393). CONVICTION OF CERTAIN OFFENCES TO EXCLUDE FROM OFFICE.—All persons convicted of bribery, larceny, perjury, or any other infamous crime, or who shall make or become directly or indirectly interested in any bet or wager, the result of which shall depend upon any election, or who shall hereafter fight a duel, or send or accept a challenge to fight, or who shall be second to either party, or be the bearer of such challenge or acceptance, shall be excluded from every office of honor, power, trust or profit, civil or military, within this State, and from the right of suffrage; but the legal disability shall not accrue until after trial and conviction by due form of law: Provided, however, That nothing in this article shall be so construed as to re-

move or affect any punishment or legal disability resulting from convictions heretofore.

COMMISSIONS

459. (394). NO COMMISSION TO ISSUE UNTIL BOND FILED, ETC.—No commission shall be issued by the Governor of this State to any person who is by law required to give bond before he shall enter upon the duties of his office until after such bond shall have been duly executed, approved and filed in the office where it is required by law to be deposited, and official notice thereof given to the Governor. There shall be hereafter paid by or on behalf of any person appointed or elected to office the sum of one dollar to be paid in current money of the United States before the issuing of any commission.

460. (395). RECORD OF COMMISSION, OATH AND ACCEPTANCE.—Every commission issued by the Governor shall be recorded in the office of the Secretary of State in a book of commissions and an index made thereof, and the oath of office of the person named in said commission shall be endorsed on said commission, and accompanying the commission there shall be transmitted to each officer a printed acceptance of said commission, and his oath of office, which shall be subscribed and taken by such officer, and returned to the office of the Secretary of State and filed therein, and a note thereof made on the record of said commission by the Secretary of State.

MISCELLANEOUS

2152. (1474). ELECTION DISTRICT NOT TO LIE IN TWO COMMISSIONER'S DISTRICTS.—After the boundary lines of the various county commissioner's districts are prescribed and defined, as provided by Section 2151, the boundary lines of no county commissioner's district, nor of any election district, shall ever be so altered as to cause any election district to lie partly in one county commissioner's district and partly in another.

7596. (5453). GIVING AWAY LIQUOR ON ELECTION DAY.—Any person who shall carry or give away any vinous, malt, spirituous or alcoholic liquors on the day of any general election within one mile of any voting place in any election district in any of the counties of the State of Florida, shall, upon conviction thereof, be fined not more

than five hundred dollars, or be imprisoned not more than ninety days.

MISCONDUCT OF ELECTION AND OTHER OFFICERS

8136. (5873). **PENALTY FOR DESTROYING BOOTH.**—Any person who wilfully, during or before an election, removes, tears down, or destroys, or defaces any booth or compartment, or other convenience provided for the purpose of enabling the elector to prepare his ballot, or any card printed for the instruction of electors, shall be fined not less than ten nor more than five hundred dollars.

8137. (5874). **PENALTY FOR DECEIVING ELECTOR IN PREPARING BALLOT.**—Any inspector who shall wilfully deceive any elector in preparing his ballot shall, on conviction thereof, be imprisoned in the penitentiary not less than one nor more than five years.

8138. (5875). **CHANGING ELECTOR'S BALLOT.**—Whoever fraudulently and deceitfully changes the vote or ballot of any elector, by which such elector shall be prevented from voting such ballot, or for such person as he intended, shall be punished by imprisonment not exceeding six months, or by fine not exceeding one hundred dollars.

8139. (5876). **PENALTY FOR DISCLOSING HOW AN ELECTOR VOTES.**—Any inspector who shall disclose how any elector may have voted, unless upon a trial in a court of competent jurisdiction he may be so required, shall be fined not less than ten nor more than one hundred dollars.

8140. (5877). **INSPECTORS OF ELECTION REFUSING TO ALLOW WATCHERS WHILE BALLOTS ARE BEING COUNTED.**—That the inspectors and managers at all general and special elections and all regular or special primaries shall permit and allow at all times while the ballots are being counted as many as three persons to be sufficiently near to them to see as to whether or not the ballots are being correctly read and called, and the count of the votes correctly tallied, and any manager or inspector of an election who denies or refuses this privilege to any person shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding five hundred dollars or by imprisonment not exceeding six months.

8141. (5878). **CALLING OUT MILITIA ON ELECTION DAY.**—If any officer or other person shall call out or order out any of the militia of this State to appear and exercise on any day during an election, except in cases of invasion or insurrection, or except in obedience to some civil magistrate, to suppress riots or to enforce the law, he shall be fined not exceeding five hundred dollars, and be deprived of his office.

8142. (5879). **PENALTY FOR NEGLECT OF DUTY BY DEPUTY SHERIFF, OR OTHER OFFICER.** — Any deputy sheriff or other officer who shall wilfully neglect or refuse to perform any duty imposed on him by the laws of Florida relating to elections at the time or within the time therein specified, shall be punished by a fine of not more than five hundred dollars or by imprisonment not more than six months.

8143. (5880). **VIOLATION OF DUTY BY COUNTY CANVASSING BOARD.**—Any member of the county canvassers of election who shall wilfully violate any of the provisions of law relating to canvassing the result of any election shall be punished by fine not less than two hundred and fifty dollars nor more than one thousand dollars, or imprisonment in the State penitentiary not more than three years.

8144. (5881). **SUPERVISOR OF REGISTRATION FAILING TO DELIVER BOOKS AND PAPERS TO SUCCESSOR.**—Any supervisor of registration who wilfully fails or refuses to promptly comply with the demand of his successor for the delivery of the registration books and papers and blanks connected with or belonging to his office, shall be punished by a fine not to exceed one thousand dollars, or by imprisonment not exceeding six months.

8145. (5882). **DISTRICT REGISTRATION OFFICER FAILING TO DELIVER BOOKS AND PAPERS.**—Any district registration officer who shall wilfully fail or refuse to promptly comply with the demands of the supervisor of registration to deliver up the registration books and papers, shall be punished by fine not exceeding five hundred dollars or imprisonment not exceeding six months.

8146. (5883). **TAX COLLECTOR FAILING TO REPORT THE POLL TAX PAID HIM.**—Any tax collector or any deputy tax collector who shall fail or refuse to comply

with Section 304, or with any of the provisions of the election law, shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year.

8147. (5884). **PENALTY FOR FALSE CERTIFICATE.**—Any person who shall falsely make or fraudulently destroy any certificate of nomination or any part thereof, or file any certification of nomination, knowing the same, or any part thereof, to be false, or suppress any nomination which has been duly filed, or any part thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

8148. (5885). **SECRETARY OF STATE FAILING TO CERTIFY NOMINATION.**—The Secretary of State who shall wilfully fail or refuse to certify the nomination as provided by law shall be fined not more than one thousand dollars; and in event of such failure or refusal, such certificate shall be made by the State Comptroller.

8149. (5886). **PENALTY FOR OFFICERS AFTER BEING SWORN IN.**—Any officer or officers after being sworn in who wilfully and knowingly neglects, fails or refuses to perform the duties prescribed in the laws regulating election, shall be fined not less than fifty nor more than two hundred dollars, or by imprisonment not less than sixty days, nor more than six months, unless otherwise provided by law.

8150. (5887). **RECEIVING POLL TAX BY COLLECTOR FROM PERSON OTHER THAN PERSON ASSESSED; ISSUING RECEIPT WITHOUT PAYMENT IN ADVANCE; PROVISIO.**—Any tax collector or person acting under his authority or direction, who receives or permits to be received any money or other thing of value in payment of poll or capitation taxes, from any person, firm, association or corporation, either by check, draft or any other method of payment, or any tax collector issuing a poll tax receipt without payment in advance therefor, other than the person whose poll or capitation taxes is to be paid; shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the county jail for not more than three months; provided, that nothing in this section shall be construed to prevent any person paying, or any tax collector from collecting. the poll tax due by another person from any other person, who shall

also pay, upon the request of the person owing the poll or capitation tax, the real and personal taxes of the person for whom he offers to pay the capitation or poll tax.

OFFENSES BY VOTERS AND OTHERS

8152. (5889). **CORRUPTLY, ETC., INFLUENCING ELECTOR.**—Whoever by bribery, menace, threat or other corrupt means or device whatsoever, either directly or indirectly, attempts to influence any elector in this State in giving his vote or ballot, or to deter him from giving the same, or disturbs or injures him in the free exercise of the right of suffrage at any election within this State, shall be punished by imprisonment not exceeding six months or by fine not exceeding five hundred dollars.

8153. (5890). **DESTROYING BALLOTS.** — Whoever on any day between the commencement of any election and the close of the canvass thereof by the inspectors fraudulently destroys any of the ballots given and received at said election, or takes away or abstracts from any ballot box any of the ballots so given or received, or puts into such ballot box any ballots except such as are properly voted by the electors, or in any manner wilfully intermingles with the ballots which shall have been voted by the electors any other ballots, or tickets, which shall not have been duly received by the inspectors, during the election, shall be punished by imprisonment in the State prison not exceeding one year, or by fine not exceeding five hundred dollars.

8154. (5891). **FALSE SWEARING TO ELECTOR'S QUALIFICATIONS.**—Whoever is guilty of wilful and corrupt false swearing, or affirming, when interrogated as to his qualifications as an elector, or when his testimony may be required in any contested election, or whoever wilfully and corruptly procures another person to swear or affirm falsely as aforesaid, shall suffer the pains and penalties of perjury.

8155. **FALSE OATH IN CONNECTION WITH REGISTRATION OF FREEHOLDERS.**—Any person making a false oath in connection with his or her qualifications under sections 299-301, relating to the registration of freeholders, shall be guilty of perjury and shall be punished for perjury.

8156. (5892). **MAKING FALSE DECLARATION TO SECURE ASSISTANCE IN PREPARING BALLOT.**—Any person who makes a false declaration under the provisions

of law providing for assistance in the preparation of his ballot in any election shall be imprisoned in the penitentiary not less than one or more than five years.

8157. (5893). **CASTING ILLEGAL BALLOT.**—Whoever casts knowingly an illegal vote at any election in this State held according to law, shall be punished by imprisonment in the State prison not exceeding six months, or by fine not exceeding one hundred dollars.

8158. (5894) **CASTING MORE THAN ONE BALLOT.**—Whoever casts more than one ballot at the same election shall be punished by imprisonment not exceeding three months or by fine not exceeding one hundred dollars.

8159. (5895) **BETTING ON RESULT OF ELECTION.**—Whoever makes or becomes directly or indirectly interested in any bet or wager, the result of which shall depend upon any election, shall be punished by fine not exceeding three hundred dollars; provided, such bet or wager, or the becoming interested therein, shall occur on or before the day of holding such election.

8160. (5896). **FAILURE TO ASSIST DEPUTY SHERIFF AT POLLS.**—Any person when summoned or called upon by the sheriff or deputy sheriff, who shall fail or refuse to assist him in maintaining the peace and good order at the polls, shall be fined in a sum not to exceed two hundred and fifty dollars, or be imprisoned not to exceed six months.

8161. (5897). **BALLOT NOT TO BE SEEN, AND OTHER OFFENSES.**—Any elector who shall, except as provided by law, allow his ballot to be seen by any person, or who shall take or remove or attempt to take or remove any ballot from the polling place before the close of the polls, or place any mark upon his ballot by which it may be identified, or take into the election booth any mechanical device, ticket or memorandum, printed or written, other than the official ballot or ticket, to enable him to mark said ballot or ticket, or any person who shall interfere with any elector when inside of the polling place or when marking his ballot, or unduly influence or attempt to unduly influence any elector in the preparation of his ballot, or any elector who shall remain longer than the specified time allowed by law in the booth or compartment after having been notified that his time has expired, or who shall endeavor to induce

any elector to show how he marks or has marked his ballot, or aids or attempts to aid any elector by any means of any mechanical device whatever in marking his ballot, or shall print or procure to be printed or have in his possession any copy of any ballot prepared to be voted, shall be fined not less than ten nor more than one hundred dollars, or be imprisoned not more than three months. Any ballot marked by the elector for identification shall be rejected.

8162. (5898). TO PREVENT THE USE OF MONEY FOR POLITICAL PURPOSES BY CORPORATIONS.—No foreign or non-resident corporation or corporation organized under the laws of the United States, doing business in this State, nor any domestic corporation, shall pay or contribute, or offer, consent, or agree to pay or contribute, directly or indirectly, any money, property or thing of value to any political party, organization, committee or individual for any political purpose whatsoever, or for the purpose of influencing legislation of any kind, or to promote or defeat the candidacy of any person for nomination, appointment or election to any political office. Any officer, employee, agent or attorney or other representative of any corporation, acting for and on behalf of such corporation, who shall violate this section shall be punished upon conviction by a fine of not less than one thousand nor more than ten thousand dollars, or by imprisonment in the State prison for a period of not less than two nor more than five years, or by both such fine and imprisonment, in the discretion of the court or Judge before whom such conviction is had; and the corporation, if a domestic corporation, is dissolved if, after a proper proceeding upon quo warranto, in either the circuit or supreme court of the State to be prosecuted by the Attorney-General of the State, the court shall find and give judgment that this section has been violated as charged, and if a foreign or non-resident corporation, its right to do business in this State ceases. The violation of this section by any officer, employee, agent, attorney or other representative of a corporation, shall be prima facie evidence that such officer, employee, agent, attorney or other representative of such corporation is acting for and in behalf of such corporation.

8163. (5899). PENALTY FOR AIDING OR ABETTING.—Any person or persons who shall aid, abet or advise a violation of the preceding section shall be punished in like manner as the principal offender.

8164. (5900). WHERE VIOLATION IS TO BE PROSECUTED.—Violations of the two preceding sections shall be prosecuted in the county where such payment or contribution is made.

8165. (5901). THREATS OF EMPLOYERS TO CONTROL VOTES OF EMPLOYEES.—It shall be unlawful for any person or persons, firm, joint stock company, association or corporation, organized, chartered or incorporated by and under the laws of this State, either as owner or lessee, having persons in their service as employees, to discharge any employee or employees, or to threaten to discharge any employee or employees in their service for voting or not voting in any election, State, county or municipal, for any person as candidate or measure submitted to a vote of the people. Any person or persons, firm, joint stock company, association or corporation organized, chartered or incorporated under the laws of this State, or operated in this State, violating any of the provisions of this section, shall pay a fine of not more than one thousand dollars.

8166. (5902). ACTING AS OFFICER OR AGENT.—Any person acting as an officer or agent of any firm, joint stock companies, associations or corporations of any kind and character hereinbefore described, or any one of them who makes or executes any notice, order or threat of the kind hereinbefore forbidden in the next preceding section, shall pay a fine of not more than five hundred dollars, or be imprisoned not more than six months.

8167. (5903). UNLAWFUL FOR ONE PERSON TO PAY POLL TAX OF ANOTHER; PROVISIO.—Any person or corporation in this State that shall pay the poll tax for any other person, or furnish the money to any other person for the purpose of paying such other or any other person's poll tax, except that one person may pay the poll tax of another; provided, the person paying such poll tax shall at the same time pay the taxes assessed and payable on the real and personal property belonging to the person whose poll tax is being paid, shall upon conviction be fined in a sum not more than five hundred dollars, or imprisoned in the county jail for not more than six months.

8168. (5904). UNLAWFUL USE OF MONEY IN ELECTION TO CHANGE COUNTY SITE.—Any person or persons, firm or corporation using money, goods or chattels in any election to change the county site of any county, to

secure votes or influence for any place as the county site of any county in this State, shall, upon conviction thereof, be imprisoned in the State penitentiary not exceeding two years.

8169. (5905). **CANDIDATES REFUSING TO FILE STATEMENT OF NAMES OF POLITICAL WORKERS.**—Any candidate refusing or wilfully failing to obey any of the provisions of Section 423 shall be punished by a fine not to exceed five hundred dollars, and shall not be allowed to have his name printed on the official ballot at the next ensuing general election according to whether he is a candidate for a State or County office, or for a National office, as the case may be.

8177. (5913). **REGISTERED VOTER PASSING BY OTHER THAN REGISTERED NAME.**—No registered voter shall call himself or pass by any other name than the name by which he is registered. Nothing in this section shall prevent the alteration of names by the circuit court, as provided by law, and when the name of any one is changed by the order of said court, he shall notify the supervisor of registration of the fact that his name has been changed. Any one violating this section shall be punished by imprisonment in the State prison not exceeding five years.

8192. (5928). **WORD "CANDIDATE" DEFINED.**—That the word "candidate" in this article means any person who has announced to any person, or to the public, that he is a candidate for a certain office.

8200. (5936). **AIDING OR COMMITTING FRAUD IN CONNECTION WITH ABSENT VOTERS VOTING BY MAIL.**—Any person attempting to aid or abet fraud in connection with any vote cast or to be cast, or attempted to be cast, under the provisions of Article 3, Chapter 1, Title 4, First Division of these Compiled General Laws, shall, upon conviction, be sentenced to the penitentiary for not less than one nor more than five years.

Any person attempting to vote by fraudulently signing the name of a regularly qualified voter shall be guilty of forgery.

Any public official who knowingly violates any of the provisions of Article 3, Chapter 1, Title 4, First Division of these Compiled General Laws, and thereby aids in any way the illegal casting or attempting to cast, a vote, or who shall

connive to nullify any provisions of said article in order that fraud may be perpetrated, shall forever be disqualified from holding office in the State of Florida, and shall ever be disqualified from exercising the right of franchise.

8201. FRAUD OR ATTEMPTED FRAUD IN CONNECTION WITH VOTES OF ABSENT VOTERS.—Any person, or persons, perpetrating or attempting to perpetrate any fraud in connection with any vote cast or to be cast, or attempted to be cast, under the provisions of Sections 435-438, and any person or persons aiding or abetting the perpetration of or attempt to perpetrate any fraud in connection with any vote cast, or to be cast, or attempted to be cast under the provisions of Section 435-438, shall upon conviction thereof, be punished by a fine of not exceeding One thousand dollars or imprisonment not to exceed one year or by both such fine and imprisonment, and, in addition thereto, shall forever be disqualified from holding office in the State of Florida and from exercising the right of franchise.

Any person attempting to vote under the provisions of Section 435-438 by fraudulently signing the name of a regularly qualified elector, other than his or her own name, shall be guilty of forgery and punished accordingly.

8202. VIOLATION OF LAW PERMITTING SOLDIERS AND SAILORS TO VOTE WITHOUT REGISTRATION OR PAYMENT OF POLL TAX.—Any person who violates the provisions of Section 249, relating to voting by sailors and soldiers who have not registered or paid poll tax, shall be punished by imprisonment of not less than six months and not more than twelve months.

CHAPTER 13767—(No. 203).

AN ACT to Provide for a Re-registration in A. D. 1930 of All Voters for All Elections to Be Held in A. D. 1930 and All Subsequent Years Thereafter, in All Counties of This State Having a Population of Not Less Than Ten Thousand and Fifty and Not More Than Ten Thousand One Hundred, According to the Last State Census of the State of Florida.

Be It Enacted by the Legislature of the State of Florida:

Section 1. In all counties of this State having a population of not less than ten thousand fifty and not more than ten thousand one hundred, according to the last State census, of the State of Florida, the County Commissioners shall provide for a re-registration in A. D. 1930 of all persons of such counties who intend to vote or qualify for voting in any election to be held therein in A. D. 1930 or subsequent years thereafter, and in order to accomplish such registration of such persons, it shall be the duty of the supervisor of registration of each of said counties, to open his registration books at the time and in the manner hereinafter provided for the purpose of registering or re-registering all such persons as may desire to register and qualify and vote in any election to be held in any such county in A. D. 1930 or subsequent years thereafter and to register or re-register all of the voters of such county.

Sec. 2. All registrations of voters prior to January 1, A. D. 1930, had in counties of the population mentioned in Section 1 of this Act shall be null and void and of no force and effect on and after January 1, A. D. 1930.

Sec. 3. Any person who possesses the qualifications provided by law for becoming a registered voter in any of the counties affected by this Act may, at the time or times hereinafter specified, apply to the registration officer of the county where such person resides, for the purpose of being registered or re-registered as the case may be according to law; and it shall be the duty of the supervisor of registration to register or re-register any such person as may be found by him to possess the qualifications required by law for becoming a legal voter in any such county for any election for which such person may desire to register.

Sec. 4. All books containing the registration of voters herein provided for shall be deemed, taken and held to be the legal registration books of said counties and shall be used therein in all elections held in A. D. 1930, and thereafter until otherwise provided by law.

Sec. 5. Registrations in said county during said registering year and all subsequent years and the time and manner thereof, as also the qualifications of electors shall be as provided in the existing general laws of Florida.

Sec. 6. The Supervisor of Registration shall receive for his services in making the registration or re-registration of voters herein provided for the same compensation as is now or may hereafter be provided by law to be paid Supervisors of Registration for like services.

Sec. 7. Registrations may be made by district registration officers under the supervision of the registration officer in the same manner as now provided by law.

Sec. 8. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 9. This Act shall take effect upon its becoming a law.

Approved May 20, A. D. 1929.

CHAPTER 13768—(No. 204).

AN ACT to Provide for a Re-registration of All Voters for All Elections to Be Held in the Year A. D. 1930, and Subsequent Years Thereafter, in Counties of This State Having a Population of Not Less Than 9,900 and Not More Than 9,950.

Be It Enacted by the Legislature of the State of Florida:

Section 1. In all counties of this State having a population of not less than 9,900 and not more than 9,950, according to the 1925 State census, the County Commissioners shall provide for a re-registration of all voters of such counties who intend to vote and qualify for voting in any general or primary election to be held in the year, A. D. 1930, or subsequent years thereafter, and in order to accomplish such re-registration of such voters, it shall be the duty of the Supervisors of Registration of such counties to immediately open their registration books for the purpose of registering or re-registering such voters as may desire to register and qualify to vote in any general or primary election to be held in the year, A. D. 1930, or subsequent years thereafter, and to re-register all of the voters of such county.

Sec. 2. All registration of voters heretofore had in counties of the population described in Section One of this Act shall be null and void and of no force and effect on and after January 1st, A. D. 1930.

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Sec. 3. Any person who may desire and who possesses the qualifications provided by law for becoming a registered voter in the counties hereinbefore described, may, at any time after this Act becomes a law, apply to the registration officers in the several counties described in Section 1 of this Act, for the purpose of being registered or re-registered, as the case may be, according to law, and it shall be the duty of the Supervisors of Registration of such counties to register or re-register any such persons who may be found by him to possess the qualifications required by law for becoming a legal voter in such counties for any general or primary election for which such voters desire to register; and all books containing the registration of voters herein provided for shall be deemed, taken and held to be legal registration books of such counties, and shall be used in all general and primary elections held in the years, A. D. 1930, and thereafter until otherwise provided by law.

Sec. 4. The re-registration of voters hereinbefore provided for may continue until not later than thirty days before any primary election to be held in the year 1930, and the books shall then be closed until after the holding of such primary election, and registrations for the general election may be held thereafter until within thirty days prior to the date of holding any subsequent general election, whereupon said registration shall cease until after the time for holding the general election, and thereafter the registration of voters may continue at all times except within the period of thirty days immediately preceding any general or primary election, the purpose and intention of this Act being to provide for a registration of all voters in said counties and to provide that the registration books shall be kept open for registration of voters continuously except during that period of time amounting to thirty days immediately preceding any general or primary election.

Sec. 5. The Supervisor of Registration shall receive for his fees in making the registration of voters hereinbefore provided for, the same compensation as is now or may hereafter be provided by law to be paid Supervisors of Registration for like services.

Sec. 6. Registrations may be made by District Registration officers under the supervision of the registration officer in the same manner as now provided by law.

Sec. 7. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 8. This Act shall take effect upon its becoming a law.

Approved June 7, A. D. 1929.

CHAPTER 13769—(No. 205).

AN ACT to Provide for and Require a Re-registration of All Voters for All Elections to be Held in the Year A. D. 1930, and Subsequent Years Thereafter in Counties of This State Having a Population of not Less than Forty Thousand (40,000) and not More than Forty-two Thousand (42,000) Inhabitants According to the Last State Census.

Be It Enacted by the Legislature of the State of Florida:

Section 1. In all counties of this State having a population of not less than Forty Thousand (40,000) and not more than Forty-two Thousand (42,000) according to the last State census, the County Commissioners shall provide for a complete re-registration of all voters of such counties who intend to vote and qualify for voting in any General or Primary Election to be held in the year A. D. 1930, or subsequent years thereafter, and in order to accomplish such re-registration of such voters of such counties, it shall be the duty of the Supervisor of Registration of such counties to open their Registration Books for the purpose of registering or re-registering such voters as may desire to register and qualify to vote in any General or Primary Election to be held in the year A. D. 1930, or subsequent years thereafter, and such Supervisors of Registration are hereby authorized and required to re-register all of the voters of such counties in accordance with the provisions of this Act, and the several Board of County Commissioners of the several counties affected by this Act are hereby authorized and required to provide all materials and supplies and other requirements necessary to be used by Supervisors of Registration in order to comply with the provisions of this Act. Such duties hereby imposed by this Act upon Supervisors of Registration and Boards of County Commissioners shall be enforceable by mandamus brought on the relation of any person now quali-

fied as an elector in said county and who desires or expresses a desire to be re-registered under this Act.

Sec. 2. All registration of voters heretofore had in counties of the population described in Section 1 of this Act, whether for General or Primary Election shall be null and void and of no force and effect on and after January First, A. D. 1930, after which date only those voters who have re-registered under the provisions and requirements of this Act to vote in General or Primary Elections shall be recognized as registered voters in said Counties.

Sec. 3. In making a re-registration of voters for Primary and General Elections under this Act, all provisions of law now applicable to the registration of voters in General Elections and Primary Elections shall be deemed and held to govern and apply to the re-registration under this Act, except as to the time of opening and closing the books, and except as otherwise particularly covered by this Act by contradictory law herein contained. All registrations for General Elections and Primary Elections shall be made in separate books in like manner as now provided by law, except that the Supervisor of Registration may register in both books at the same time under this Act.

Sec. 4. Any person who may desire and who possesses the qualifications provided by law for becoming a registered voter in the counties hereinbefore described may, at any time after this Act becomes a law apply to the Registration officers in the several counties described in Section 1 of this Act, for the purpose of being registered or re-registered, as the case may be, according to law, and it shall be the duty of the Supervisors of Registration of such counties to register or re-register any such person who may be found by him to possess the qualifications required by law for becoming a legal voter in such counties for any General or Primary Election for which such voters desire to register; and all books containing the registration of voters herein provided for shall be deemed, taken and held to be legal registration books of such counties, and shall be used in all General and Primary Elections, held in the years A. D. 1930, and thereafter until otherwise provided by law.

Sec. 5. The re-registration of voters hereinbefore provided for may continue until not later than thirty days before any Primary Election to be held in the year 1930, and the books shall then be closed until after the holding of such

Primary Election, and registration for the General Election may be held thereafter until within thirty days prior to the date of holding any subsequent General Election whereupon said registration shall cease until after the time for holding the General Election, and thereafter the registration of voters may continue at all times except within the period of thirty days immediately preceding any General or Primary Election, the purpose and intention of this Act being to provide for a registration of all voters in said counties and to provide that the registration books shall be kept open for registration of voters continuously except during that period of time amounting to thirty days immediately preceding any General or Primary Election.

Sec. 6. The Supervisor of Registration shall receive for his fees in making the registration of voters hereinbefore provided for, the same compensation as is now, or may hereafter be provided by law to be paid Supervisors of Registration for like services.

Sec. 7. Registrations may be made by District Registration Officers under the supervision of the Registration Officer in the same manner as now provided by law.

Sec. 8. Any voter who shall have re-registered under the provisions of this Act for any General or Primary Election shall not be required to re-register biennially, nor for each separate Election, but a re-registration once having been made hereunder shall be deemed and held as being sufficient for all elections to be held in the year A. D. 1930, and for all periods of time subsequent thereto, during which such re-registered voter shall continue as an elector of the county covered by this Act, the purpose of this Act being that there shall be one general re-registration of all voters, whether heretofore registered or not, and thereafter additional and supplementary registration of individuals as voters to add to the list of persons who may be re-registered under this Act.

Sec. 9. All laws or parts of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall take effect upon becoming a law.

Approved June 8, A. D. 1929.

CHAPTER 13770—(No. 206).

AN ACT to Provide for a Re-registration of All Voters for All Elections to Be Held in the year A. D. 1930, and Subsequent Years Thereafter, in Counties of This State Having a Population of More Than Seventy-nine Thousand and Not More Than Eighty Thousand Inhabitants, According to the Special State Census of A. D. 1927, and Providing that Registration of Voters Heretofore Had in Such Counties Shall Be Null and Void and of No Force and Effect After January 1, A. D. 1930, and Providing that the Board of County Commissioners of Such Counties Shall Have the Authority to Alter or Change Any Election and Registration District, Voting Place or Precinct in Such Counties, and Providing for the Time to Apply for Re-registration in Such Counties.

Be It Enacted by the Legislature of the State of Florida:

Section 1. In all counties of this State having a population of Seventy-nine Thousand and not more than Eighty Thousand inhabitants, according to the Special State Census of A. D. 1927, the Board of County Commissioners of such counties shall provide for a re-registration of all voters of such counties who intend to register and qualify for voting in any General, Primary or Special Election to be held in the year A. D. 1930, or subsequent years thereafter, and in order to accomplish such re-registration of such voters, it shall be the duty of the Supervisors of Registration of such counties to immediately open their registration books for the purpose of registering or re-registering such voters as may desire to register and qualify to vote in any General, Primary or Special Election to be held in the year A. D. 1930, or subsequent years thereafter, and to re-register all of the voters of such counties.

Sec. 2. All registration of voters heretofore had in the counties of the population described in Section 1 of this Act shall be null and void and of no force and effect on and after January 1, A. D. 1930.

Sec. 3. Any person who may desire and who possesses the qualifications provided by law for becoming a registered voter in the counties hereinbefore described, may, at any time after this Act becomes a law, apply to the Registration Officers in such counties described in Section 1 of this Act, for the purpose of being registered or re-registered, as the

case may be, according to law, and it shall be the duty of the Supervisors of Registration of such counties to register or re-register any such person who may be found by him to possess the qualifications required by law for becoming a legal voter in such counties for any General, Primary or Special Election, for which such voters desire to register; and all books containing the registration of voters herein provided for shall be deemed, taken and held to be legal registration books of such counties, and shall be used in all General, Primary and Special Elections held in the year A. D. 1930, and thereafter until otherwise provided by law.

Sec. 4. The Supervisor of Registration of such Counties shall appoint, subject to removal at any time by him, a District Registration officer of each Election District in his county, whose duty it shall be to attend to the registration of electors in such districts in substantial conformity with the provisions of the general law applicable thereto, and in addition thereto such District Registration Officers shall keep their books open for such time, or times, as shall be prescribed by the Board of County Commissioners of such counties.

Sec. 5. In such counties it shall not be necessary for the Supervisor of Registration to publish a certified list of the registered and qualified electors of each election district as is now provided by law.

Sec. 6. The County Registration books in all such counties shall be kept open on each week day from 9:00 A. M. until 12:00 Noon and from 1:30 P. M. until 5:00 P. M. in the office of the Supervisor of Registration in each of such counties for the registration of electors for all General, Primary and Special Elections; provided, however, that said Registration Books shall close before each General, Primary or Special Election at the time and in the manner now required by the laws governing both Primary and General Elections in said State, but shall re-open for registration purposes the day following the said election or elections.

Sec. 7. The Board of County Commissioners in each of such counties in addition to its powers relative to altering, changing or creating new election or registration districts is hereby empowered, at any time prior to the 1st day of January, A. D. 1930, to alter or change any election and registration district, voting place or precinct in such county, or to create new districts, designating each district by num-

ber, and at the most suitable point in the district to establish a voting place or precinct, at which voting place or precinct there shall be a polling place as now provided by law, and in altering or changing any election and registration district, voting places or precincts or creating new districts in such county, the Board of County Commissioners shall act in substantial conformity with the provisions of the general law applicable thereto.

Sec. 8. Any provision of this Act which for any reason may be declared invalid may be eliminated from this Act, and the remaining portion or portions thereof shall be and remain in full force and valid as if such invalid provision had not been incorporated therein.

Sec. 9. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 10. This Act shall take effect immediately upon its approval by the Governor or upon its becoming a law without his approval.

Approved June 8, A. D. 1929.

CHAPTER 13867—(No. 303).

AN ACT to Amend Section Two of Chapter 12245, Laws of Florida, Acts of 1927, Entitled: "An Act Defining the Time When Registration Books in Counties Having Population of Not Less Than Eighteen Thousand Five Hundred (18,500) and Not More Than Nineteen Thousand (19,000) Inhabitants According to the Last State Census, Shall Be Kept Open in the Office of the Supervisor of Registration, and Prescribing the Duties and Compensation of the Registration Officers Therein."

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 2 of Chapter 12245, Laws of Florida, Acts of 1927, entitled: "An Act defining the time when registration books in counties having population of not less than eighteen thousand five hundred (18,500) and not more than nineteen thousand (19,000) inhabitants according to the last State census, shall be kept open in the office of the Supervisor of Registration, and prescribing the duties and compensation of the registration officers therein,"

be and the same is hereby amended to read as follows: "Sec. 2. That the compensation to be paid the Supervisor of Registration in such counties in lieu of all other compensation now allowed by law for his services as such Supervisor of Registration shall be the sum of twelve hundred dollars per annum, payable in equal monthly payments of one hundred dollars each."

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall take effect upon becoming a law.

Approved May 4, A. D. 1929.

CHAPTER 13868—(No. 304).

AN ACT Fixing the Compensation of Supervisors of Registration in Counties Having a Population of not Less Than 10,630, or More than 10,640, According to the State Census of 1925.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That in all Counties in the State of Florida having a population of not less than 10,630, or more than 10,640, according to the State Census of 1925, the Supervisors of Registration shall receive a salary of \$40.00 per month for their services the same to be paid monthly by the County as other County Officers are paid.

Sec. 2. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall take effect upon becoming a law.

Approved June 8, A. D. 1929.

CHAPTER 13869—(No. 305).

AN ACT to Fix the Compensation of Supervisors of Registration in Counties Where There is an Average Registration of More than Thirty-five Thousand Names.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That in all counties of the State of Florida where there shall be an average registration of voters of

not less than Thirty-five (35,000) names, the compensation of the Supervisor of Registration in such county shall be not less than Two Hundred and Fifty (\$250.00) Dollars per month, to be paid by the County Commissioners upon requisition of the Supervisor of Registration. Provided, nothing in this Act shall prohibit the payment of a greater compensation to the Supervisors of Registration than that herein provided in so far as the same may be authorized by any existing provisions of law.

Sec. 2. This Act shall take effect upon becoming a law.

Approved June 8, A. D. 1929.

CHAPTER 14546—(No. 64).

AN ACT to Fix the Compensation of the Supervisors of Registration of the Several Counties of the State of Florida Having Thirty Thousand or More Registered Voters Upon the General Election Registration Books of Such Counties.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That on and after July 1, 1929, the compensation of Supervisors of Registration of all counties of this State, carrying on their registration books more than Thirty Thousand (30,000) voters in General Elections held in such counties shall be not less than Three Thousand (\$3,000.00) Dollars per annum, payable in equal monthly installments to the Supervisor of Registration of such counties upon his requisition therefor.

Sec. 2. The Board of County Commissioners of all counties affected by this Act are hereby authorized to prepare and include in their budgets for the remainder of the year 1929 after this Act takes effect an appropriate item to cover compensation of Supervisors of Registration as hereinbefore fixed, and it shall be the duty of the County Commissioners of the counties to provide for the payment of said compensation of Supervisors of Registration out of the General Revenue Fund of counties from and after the taking effect of this Act. Anything in any other law of the State of Florida to the contrary notwithstanding.

Sec. 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall take effect July 1st, 1929.

Sec. 5. Nothing in this Act shall be construed as reducing the amount of compensation now payable under authority of law to any Supervisor of Registration in any of the counties covered by the terms of this Act.

Approved June 20, A. D. 1929.

CHAPTER 14547—(No. 65).

AN ACT to Fix the Compensation of Supervisors of Registration in Counties of This State Having a Population of Not Less Than Forty Thousand (40,000) and Not More Than Forty-two Thousand (42,000), According to the Last State Census.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Supervisors of Registration of all counties of this State having a population of not less than Forty Thousand (40,000) nor more than Forty-two Thousand (42,000), according to the last State Census, shall be paid and entitled to receive not less than the sum of Two Thousand (\$2,000.00) Dollars per annum, payable in equal monthly installments by the County Commissioners of the Counties, anything in any other law of the State of Florida notwithstanding.

Sec. 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect July 1st, 1929, and the County Commissioners of the Counties affected hereby shall make provision in the budget for the payment of the salary of the Supervisor of Registration in accordance with the terms and requirements of this Act.

Approved June 29, A. D. 1929.

CHAPTER 13893—(No. 329).

AN ACT to Authorize the County Commissioners of Any County, or the Governing Body of Any Municipality, Within the State of Florida, to adopt for use or Use Experimentally a Voting Machine or Voting Machines for

the Conduct of Elections in Such Counties or Municipalities, and Setting Forth the Requirements of Such Voting Machines, and Prescribing the Method of Conducting Elections by and with the Use of Such Voting Machines and Directing How the Official Returns of Elections Conducted with the Aid of Such Voting Machines Shall Be Made, and Providing a penalty for Unlawfully Possessing Such Voting Machines or the Keys Thereto, and Prescribing a Penalty for Wilfully Tampering, or Attempting to Tamper, Disarrange, Deface, or Impair Such Voting Machines, and Also Defining Some of the Terms Used in This Act.

Be It Enacted by the Legislature of the State of Florida:

Section 1. DEFINITIONS.—The list of candidates used or to be used on the front of the voting machine for an election district in which a voting machine is used pursuant to law shall be deemed official ballots under this charter. The word "Ballot" as used in this Article (except when reference is made to irregular ballots) means that portion of the cardboard or paper or other material within the ballot frames containing the name of the candidate and the designation of the party by which he was nominated, or a statement of a proposed constitutional amendment or other question or proposition, with the word "yes" for voting for any question or proposition, and the word "no" for voting against any question. The term "question" shall mean any constitutional amendment, proposition or other question submitted to the voters at any election. The term "Official ballot" shall mean the printed strips of cardboard containing the names of the candidates nominated and a statement of the questions submitted. The term "irregular ballot" shall mean a vote cast, by or on a special device, for a person whose name does not appear on the ballots. The term "voting machine custodian" shall mean the person who shall have charge of preparing and arranging the voting machine for elections. The term "protective counter" shall mean a separate counter built into the voting machine which cannot be reset, which records the total number of movements of the operating lever.

Sec. 2. REQUIREMENTS OF VOTING MACHINES.—Any voting machine may be adopted, rented, purchased or used which be so constructed as to fulfill the following requirements: It shall secure to the voter secrecy in the act of voting; it shall provide facilities for voting for or against

as many questions as may be submitted; it shall permit the voter to vote for the candidates of one or more parties; it shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more; it shall prevent the voter from voting for the same persons more than once for the same office; it shall permit the voter to vote for or against any question he may have the right to vote upon, but no other; if used in primary elections, it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine; it shall correctly register or record, and accurately count all votes cast for any and all persons, and for or against any and all questions; it shall be provided with a "Protective Counter" or "Protective Device" whereby any operation of the machine before or after the election will be detected; it shall be provided with a counter which shall show at all times during any election how many persons have voted; it shall be provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; it may also be provided with one device for each party, for voting for all the presidential electors of that party by one operation, and a ballot therefor containing only the words "Presidential Electors For" preceding by the name of that party and followed by the names of the candidates thereof for the offices of president and vice-president, and a registering device therefor which shall register the vote cast for said electors when thus voted collectively; provided, however, that means shall be furnished whereby the voter can cast a vote in part for the candidates for presidential electors of one party, and in part for those of one or more other parties or in part or in whole for persons not nominated by any party. Every voting machine shall be furnished with a lantern, or a proper substitute for one, which shall give sufficient light to enable voters while voting to read the ballots and suitable for use by the election officers in examining the counters. All voting machines used in any election shall be provided with a screen, hood or curtain which shall be so made and adjusted as to conceal the voter and his action while voting.

Sec. 3. ADOPTION OF VOTING MACHINE.—The Board of County Commissioners of any county or the governing body of any municipality, may if it so elects. submit to the voters of such county or municipality at a general or special election, the question of whether or not it shall avail itself of the benefits of this Act. Providing, however, that

a special election shall not be called for the sole purpose of determining this question, and if a majority of the voters voting at such election approve the said Board of County Commissioners of such county or the governing body of such municipality, may thereupon adopt for use at elections any kind of voting machine that meets the requirements of this Act, and thereupon such voting machine may be used at any and all elections held in such county or municipality or any part thereof for voting, registering and counting votes cast at such elections; provided, however, that the board of county commissioners of any county or the governing body of any municipality may purchase, install and use, not to exceed (5) five voting machines, meeting the requirements of this Act, for the purpose of experimenting with same in such districts or precincts as they may deem proper, without submission of the question to the voters of the county or municipality. Voting machines of different kinds may be adopted for use in different districts in the same county or municipality.

Sec. 4. EXPERIMENTAL USE OF VOTING MACHINE.—The county commissioners of any county, or the governing body of any municipality, authorized by the last preceding section to adopt a voting machine, may provide for the experimental use, at any election in one or more districts of a machine or machines which they might thereafter permanently adopt, and the use of such machine or machines at such election shall be as valid for all purposes as if it, or they, had been permanently adopted.

Sec. 5. PROVIDING MACHINES. — The authorities adopting the use of voting machines shall, as soon as practicable thereafter, provide for each polling place one or more voting machines in complete working order, and thereafter the authorities in charge of elections shall preserve and keep them in repair, and shall have custody thereof when not in use at an election. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or districts within such county or municipality as the officers adopting the same may direct.

Sec. 6. PAYMENT FOR MACHINES.—The boards of county commissioners or the municipal authorities on the

adoption and rental or purchase of voting machines may provide for the payment therefor in such manner as they may deem for the best interest of their respective localities.

Sec. 7. PRINTING OFFICIAL BALLOTS.—All ballots shall be printed on paper or clear white material, of such form and size as will fill the ballot frames of the machine, in plain color type as large as the space will reasonably permit. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the caption of the various ballots on said machines shall be placed on said machines as to indicate to the voter what push knob, key, lever or other device is to be used or operated in order to vote for the candidate or candidates of his choice. The order of the arrangement of parties and of candidates shall be as now required by law.

Sec. 8. MAILING OF SAMPLE BALLOTS AND FURNISHING OF INSTRUCTION BALLOTS.—The officer or officers whose duty it may be under this Act to provide and furnish official ballots for any polling place where a voting machine is to be used, shall also provide two sample ballots or instruction ballots which sample or instruction ballots shall be arranged in the form of a diagram showing such portion of the front of the voting machine as it will appear after the officials ballots are arranged thereon or therein for voting on election day. Such sample ballots shall be open to the inspection of all voters on election day, in all primaries and general elections where voting machines are used.

There shall be furnished to the election official, at each polling place, a sufficient number of sample ballots (a facsimile of the face of the machine) of a reduced size, so that one may be given to each voter desiring the same.

Sec. 9. NUMBER OF OFFICIAL BALLOTS TO BE FURNISHED.—Two sets of official ballots shall be provided for each polling place for each election district for use in and upon the voting machine, one set thereof shall be inserted or placed in or upon the voting machine and the other shall be retained in the custody and possession of the board of elections, unless it shall become necessary during the course of the election to make use of the same upon or in the voting machine.

Sec. 10. DUTY OF AUTHORITIES OF MUNICIPALITIES.—It shall be the duty of the authorities in charge of

any election where a voting machine is to be used, to have the machine and all necessary furniture and appliances at the proper polling place or places before the time fixed for opening of the polls, and the counters set at zero (000), and otherwise in good and proper order for use at such election; and for the purpose of placing ballots in the ballot frames of the machine, putting it in order, testing, and adjusting and delivering the machine, the authorities in charge of elections may employ one or more competent persons to be known as custodian or custodians of voting machines; who shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least thirty days before the election and shall be considered as officers of elections. Before preparing a voting machine for any election, written notice shall be mailed to the chairman of the local organization of at least two of the principal parties, stating the time and place where the machines will be prepared, at which time one representative of each of such political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election; such representatives shall be sworn to faithfully perform their duties and shall be regarded as election officials but shall not interfere with the custodians or assume any of their duties. When a machine has been so examined by such representatives it shall be sealed with a numbered metal seal. Such representatives shall certify to the numbers of the machines, that all of the counters are set at zero (000), and as to the number registered on the protective counter, if one is provided, and on the seal. After the preparation of the machines, an officer or officers or someone duly authorized, other than the person who has prepared them for election, shall inspect each machine, and report in writing, concerning the facts as to whether or not all of the registering counters are set at zero (000), the machine is arranged in all respects in good order for the election and locked; and as to the number registered on the protective counter; and on the seal. When a voting machine has been properly prepared for election, it shall be locked against voting and sealed; and the keys thereof shall be delivered to the board of officials having charge and control of elections, together with a written report made by the custodian, stating that it is in every way properly prepared for the election. After the voting machine shall be transferred to the polling places, it shall be the duty of the local authorities to provide ample protec-

tion against molestation or injury to the machine. The lantern or electric light fixture shall be prepared in good order for use before the opening of the polls.

Sec. 11. INSTRUCTION OF ELECTION OFFICERS.—Not less than ten nor more than twenty-one days before each election, the custodian or custodians of the machine shall instruct the board of elections that are to serve in an election district in use of the machine, and in their duties in connection therewith; and he shall give to each member of each board of elections who has received such instruction and is fully qualified to properly conduct the election with the machine, a certificate to that effect. For the purpose of giving such instruction the custodian shall call such meeting or meetings of the board of elections as shall be necessary. Such custodian shall within five days, file a report with the board or official in charge of elections stating that he has instructed the election officers, giving the names of such officers, and the time and place where such instruction was given. The board of elections of each election district in which a voting machine is to be used shall attend such meeting, or meetings, as shall be called for the purpose of receiving such instructing concerning their duties as shall be necessary for the proper conduct of the election with the machine. No member of any board of elections shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform the duties in connection with the machine, and has received a certificate to that effect from the custodian of the machines; provided, however, that this shall not prevent the appointment of a person as a member of the board of elections to fill a vacancy in an emergency.

Sec. 12. INSTRUCTION OF VOTERS BEFORE ELECTION.—Where voting machines are to be used, the authorities in charge of elections shall designate suitable and adequate times and places where voting machines containing sample ballots showing titles of offices to be filled, and, so far as practicable, the names of candidates to be voted for at the next election shall be exhibited for the purpose of giving instructions as to the use of voting machines to all voters who apply for the same. No voting machine which is to be assigned for use in an election shall be used for such instruction after having been prepared and sealed for the election. During public exhibition of any voting machine for the instruction of voters previous to an election, the

counting mechanism thereof shall be concealed from view and the doors may be temporarily opened only when authorized by the board or official having charge and control of the elections.

Sec. 13. OFFICIAL BALLOTS FURNISHED.—Official ballots of the form and description set forth in this Act for use upon voting machines shall be prepared and furnished in the same manner, at the same time, and be delivered to the same officials as now provided by law.

Sec. 14. NUMBER OF VOTERS IN A DISTRICT.—Election districts in which voting machines are to be used may be altered, divided, or combined so as to provide that each district in which the machine is to be used shall contain as nearly as may be seven hundred and fifty voters, and that each district in which two machines are to be used shall contain as nearly as may be one thousand voters, and that each district in which three machines are to be used shall contain as nearly as may be one thousand five hundred voters; provided that nothing herein shall prevent any election district from containing a less number than above if necessary for the convenience of the voters. Whenever more than two machines are to be used in a district, one additional member of the board of elections shall be appointed for each additional machine.

Sec. 15. If the official ballots for an election district or precinct, at which a voting machine is to be used, shall not be delivered in time for use on election day or after delivery shall be lost, destroyed or stolen, the clerk or other official, or officials, whose duty it now is in such case to provide other ballots for use at such elections in lieu of those lost, destroyed or stolen, shall cause other ballots to be prepared, printed or written as nearly as may be of the form and description of the official ballots, and the board of election shall cause the ballots so substituted to be used at the election in the same manner, as nearly as may be, as the official ballots would have been.

Sec. 16. VOTING MACHINE OUT OF ORDER. — In case any voting machine used in any election district shall, during the time the polls are open, become injured so as to render it inoperative in whole or in part, it shall be the duty of the election officers immediately to give notice thereof to the body providing such machine, and it shall be the duty of such body, if possible, to substitute a perfect machine for

the injured machine, and at the close of the polls, the records of both machines shall be taken, and the votes shown on their counters shall be added together in ascertaining and determining the results of the election; but if no other machine can be prepared for use at such election, and the one injured cannot be repaired in time for use at such election, unofficial ballots made as nearly as possible in the form of the official ballot may be used, received by the election officers and placed by them in receptacle in such case to be provided by the election officers, and counted with the votes registered on the voting machines; and the result shall be declared the same as though there had been no accident to voting machine; the ballots thus voted shall be preserved and returned as herein directed with a certificate or statement setting forth how and why the same were voted.

Sec. 17. OPENING OF POLLS.—The boards of election of each district shall attend at the polling place three-quarters of an hour before the time set for opening of the polls, at each election, and shall proceed to arrange within the guard rail the furniture, stationery and voting machine for the conduct of the election. The boards of election shall then and there have the voting machine, ballots, and stationery required to be delivered to them for such election. If not previously done, they shall insert in their proper place on the voting machine, the ballots containing the names of offices to be filled at such election, and the names of candidates nominated therefor. The keys to the voting machine shall be delivered to the election officers at least three-quarters of an hour before the time set for opening the polls, in a sealed envelope, on which shall be written or printed the number and location of the voting machine; the number of the seal and the number registered on the protective counter or device, as reported by the custodian. The envelope containing the keys shall not be opened until at least one member of the board from each of two political parties shall be present at the polling place, and shall have examined the envelope to see that it has not been opened. Before opening the envelope, all election officers present shall examine the number on the seal on the machine, also the number registered on the protective counter, and shall see if they are the same as the number written on the envelope; and if they are not the same, the machine must not be opened until the custodian or other authorized person, shall have been notified and shall have presented himself at the polling place for

the purpose of re-examining such machine and shall certify that it is properly arranged. If the numbers on the seal and protective counter are found to agree with the numbers on the envelope, the election officers shall proceed to open the doors concealing the counters, and each officer shall carefully examine every counter and see that it registers zero (000), and the same shall be subject to the inspection of official watchers. The machine shall remain locked against voting until the polls are formally opened, and shall not be operated except by voters in voting. If any counter is found not to register zero (000), the board of election shall immediately notify the custodian, who shall, if practicable, adjust the counters at zero (000), but if it shall be impracticable for the custodian to arrive in time to so adjust such counters before the time set for opening the polls, the election officers shall immediately make a written statement of the designating letter and number of such counter, together with the number registered thereon, and shall sign and post same upon the wall of the polling room, where it shall remain throughout election day, and in filling out the statement of canvass, they shall subtract such number from the number then registered thereon.

Sec. 18. **IRREGULAR BALLOTS.** — Ballots voted for any person whose name does not appear on the machine as a qualified candidate for office, are herein referred to as irregular ballots. In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partially of names of persons so in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

Sec. 19. **LOCATION OF VOTING MACHINES.** — At all elections whereat voting machines may be used, the arrangement of the polling room shall be the same as is now provided for by law; the exterior of the voting machine and every part of the polling room shall be in plain view of the election officers; the voting machine shall be placed at least three feet from every wall or partition of the polling room and at least four feet from any table whereat any of the election officers may be engaged or seated. The voting ma-

chine shall be so placed that the ballots on the face of the machine can be plainly seen by the election officers and the party watchers when not in use by voters. The election officers shall not themselves be, or permit any other person to be in any position or near any position that will permit one to see or ascertain how a voter votes, or how he has voted. The election officer attending the machine shall inspect the face of the machine after each voter has cast his vote, to see that the ballots on the face of the machine are in their proper places and that the machine has not been injured. During elections the door or other covering of the counter compartment of the machine shall not be unlocked or open, or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the election officers and shall be sent with the returns. No person shall be permitted in or about the polling room except as now provided by law in elections where ballots and ballot boxes are used.

Sec. 20. TIME ALLOWED A VOTER.—Where a voter presents himself for the purpose of voting, the election officer shall ascertain whether his name is upon the register of voters, and if his name appear thereon and no challenge be interposed, or if interposed, be not sustained, one of the election officers to be stationed at the entrance through the outer guard rail shall announce the name of the voter and permit him to pass through the entrance opening in the outer guard rail to the booth of the voting machine for the purpose of casting his vote; no voter shall remain in the voting machine booth longer than five minutes, unless for good and sufficient reason he be granted a longer period of time by the election officers in charge, and having cast his vote the voter shall at once emerge therefrom and leave the polling room by the exit opening in the outer guard rail; if he shall refuse to leave after the lapse of five minutes he shall be removed by the election officers; the election officers shall ascertain the name and address of each voter in the manner now provided by law, before he enters the voting machine booth for the purpose of voting; no voter after having entered and emerged from the voting machine booth shall be permitted to re-enter the same on any pretext whatever; only one voter at a time shall be permitted to pass the outer guard rail to vote.

Sec. 21. INSTRUCTING VOTERS ON ELECTION DAY.—For the instruction of voters on any election days

there shall, so far as practicable, be provided for each polling place a mechanically operated model of a portion of the face of the machine. Such model, if furnished, shall, during the election, be located on the election officer's table or in some other place where the voters must pass to reach the machine, and each voter shall, before entering the machine, be instructed regarding its operation and such instruction illustrated on the model, and the voter given opportunity to personally operate the model. The voter's attention shall also be called to the diagram of the face of the machine so that the voter can become familiar with the location of the questions and the names of the offices and candidates. In case any voter, after entering the voting machine, shall ask for further instructions concerning the manner of voting, two election officers of opposite political parties, if present, and if not, two election officers of the same party shall give such instructions to him, but no officer or person assisting a voter shall in any manner request, suggest or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular ticket, or for or against any particular candidate, or for or against any particular amendment, question or proposition. After giving them instructions and before such voter shall have registered his vote, the officers or persons assisting him shall retire and such voter shall then register his vote in secret as he may desire.

Sec. 22. BLIND OR PHYSICALLY DISABLED VOTERS.—The provisions of the election law relating to the assistance to be given to blind or physically disabled voters shall apply also where voting machines are used, and the word "booth," when used in such sections, shall be interpreted to include the voting machine inclosure or curtain.

Sec. 23. ANNOUNCING THE VOTE AND LOCKING THE MACHINE AGAINST VOTING.—Immediately upon the close of the polls, the election officers shall lock and seal the voting machine against further voting and open the counter compartment in the presence of persons who may be lawfully present at that time, giving full view of the counters. The chairman of the board of elections, under the scrutiny of a member of the board of a different political party, if such member desires to be present, and also, under the scrutiny of each candidate or one representative of each candidate voted upon at such election shall then in the order of the offices as their titles are arranged on the machine,

read and announce in distinct tones the result as shown by the counters, and shall then read the votes recorded for each office on the irregular ballots; he shall also, in the same manner, read and announce the vote on each constitutional amendment, proposition, or other question. As each vote is read and announced, it shall be recorded on two statements of canvass by two other members of the board of election inspectors, and when completed shall be compared with the numbers on the counters of the machine. If found to be correct, the result shall be announced by the chairman of the board and the statements of canvass, after being duly certified and sworn to, shall be filed as now provided by law for filing election returns. After the reading and announcing of the vote, and before the doors of the counter compartment of the voting machine shall be closed, ample opportunity shall be given to any person or persons lawfully present to compare the results so announced with the counters of the machine and any necessary corrections shall then and there be made by the board of election. No tally sheets nor return blanks as required by law for use in election districts where paper ballots are used shall be furnished or used in election districts where voting machines are used, but in lieu thereof there shall be furnished two copies of a statement of canvass to conform to the requirements of the voting machine or machines being used.

Sec. 24. LOCKING THE MACHINE AND RETURNING THE IRREGULAR BALLOTS.—The election officers shall, as soon as the count is completed and fully ascertained, as by this Act required, lock the counter compartment and it shall so remain for a period of competent jurisdiction. Whenever irregular ballots of whatever description have been voted, the election officers shall return all such ballots in a properly secured package endorsed "irregular ballots" and return and file such package with the original statement of the result of the election made by them. Said package shall be preserved for six months next succeeding such election, and it shall not be opened or its contents examined during that time except by order of a judge or a court lawfully empowered to direct the same to be opened and examined. At the end of said six months, said package may be opened and said ballots disposed of at the discretion of the official or body having charge thereof.

Sec. 25. DISPOSITION OF KEYS.—The keys of the machine shall be enclosed in an envelope to be supplied by

the custodian on which shall be written the number of the machine and the district and ward where it has been used, which envelope shall be securely sealed and endorsed by the election officers, and shall be returned to the officer from whom the keys were received. The number on the seal and the number registered on the protective counter shall be written on the envelope containing the keys. All keys for voting machines shall be kept securely locked by the officials having them in charge. It shall be unlawful for any unauthorized person to have in his possession any key or keys of any voting machine and all election officers or persons entrusted with such keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for such legal purpose. All machines shall be boxed and stored as soon after the close of the election as possible, and the machines and the boxes for the machines shall at all times be stored in a suitable place.

Sec. 26. APPLICATION OF PREVIOUS ARTICLE AND PENAL LAW.—Any unauthorized person found in possession of any such voting machine or keys thereof shall be deemed guilty of a misdemeanor and fined in a sum not less than Twenty-five nor more than Five Hundred Dollars, and imprisonment in the county jail, not less than ten nor more than thirty days; and any person wilfully tampering or attempting to tamper with, disarrange, deface or impair in any manner whatsoever, or destroy any such voting machine while the same is in use at any election, or who shall, after such machine is locked in order to preserve the registration or record of any election made by the same, tamper or attempt to tamper with any voting machine, shall be deemed guilty of a felony, and on conviction thereof, shall be imprisoned in the State Prison of this State at hard labor for not less than three nor more than ten years.

Sec. 27. APPLICATION.—All laws relating to elections now in force in this State shall apply to all elections under this Act so far as the same may be applicable thereto; and so far as such provisions are not inconsistent with the provisions of the Act pertaining to the use of the paper ballots and ballot boxes.

Sec. 28. The purpose and object of this bill is to provide a proper method of experimenting with and trying out what is known as the mechanical balloting or voting machine, and in every case in which the governing authorities of any such

city or county, as is hereinbefore described, shall adopt and place in use at any precinct or precincts of such city or county any such machine, the said governing authorities are hereby specifically authorized and empowered to do anything necessary, whether specifically covered by this Act or not, which they shall deem to be requisite to a fair, honest and satisfactory trial and use of such machine.

Sec. 29. Nothing in this Act shall in any way change, alter, repeal or modify any provisions of the present election laws of the State of Florida, as the same shall now apply to and be operative in any election precinct in which such balloting machine shall not be used.

Sec. 30. This Act shall take effect immediately upon becoming a law.

Approved May 29, A. D. 1929.

CHAPTER 13894—(No. 330).

AN ACT to Authorize the County Commissioners of Any County in the State of Florida, of a Population of Not Less Than 51,700 or More than 51,714, According to the State Census of 1925, to Adopt for Use or Use Experimentally, a Voting Machine or Voting Machines for the Conduct of Elections in Such Counties, and Setting Forth the Requirements of Such Voting Machines, and Prescribing the Method of Conducting Elections by and with the use of Such Voting Machines and Directing How the Official Returns of Elections Conducted with the Aid of Such Voting Machines Shall Be Made; and Providing a Penalty for Unlawfully Possessing Such Voting Machines or the Keys Thereto and Prescribing a Penalty for Wilfully Tampering or Attempting to Tamper, Disarrange, Deface, or Impair Such Voting Machines, and Also Defining Some of the Terms Used in This Act.

Be It Enacted by the Legislature of the State of Florida:

Section. 1. DEFINITIONS.—The list of candidates used or to be used on the front of the voting machine for an election district in which a voting machine is used pursuant to law shall be deemed official ballots under this chapter. The word "ballot" as used in this article (except when reference is made to irregular ballots) means that portion of the card-

board or paper or other material within the ballot frames containing the name of the candidate and the designation of the party by which he was nominated, or a statement of a proposed constitutional amendment, or other question or proposition with the word "yes" for voting for any question or proposition, and the word "no" for voting against any question. The term "question" shall mean any constitutional amendment, proposition or other question submitted to the voters at any election. The term "official ballot" shall mean the printed strips of cardboard containing the names of the candidates nominated and a statement of the question submitted. The term "irregular ballot" shall mean a vote cast, by or on a special device, for a person whose name does not appear on the ballots. The term "voting machine custodian" shall mean the person who shall have charge of preparing and arranging the voting machine for elections. The term "protective counter" shall mean a separate counter built into the voting machine which cannot be reset, which records the total number of movements of the operating lever.

Sec. 2. REQUIREMENTS OF VOTING MACHINES.—Any voting machines may be adopted, rented, purchased or used which shall be so constructed to fulfill the following requirements: It shall secure to the voter secrecy in the act of voting; it shall provide facilities for voting for or against as many questions as may be submitted; it shall permit the voter to vote for the candidates of one or more parties; it shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more; it shall prevent the voter from voting for the same persons more than once for the same office; it shall permit the voter to vote for or against any question he may have the right to vote upon, but no other; if used in primary elections, it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine; it shall correctly register or record, and accurately count all votes cast for any and all persons, and for or against any and all questions, it shall be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected; it shall be provided with a counter which shall show at all times during an election how many persons have voted; it shall be provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; it may also be provided with one device for each party, for voting for

all the presidential electors of that party by one operation, and a ballot therefor containing only the words "Presidential Electors For" preceded by the name of that party and followed by the names of the candidates thereof for the offices of president and vice-president, and a registering device therefor which shall register the vote cast for said electors when thus voted collectively; provided, however, that means shall be furnished whereby the voter can cast a vote in part for the candidates for presidential electors of one party, and in part for those of one or more other parties or in part or in whole for persons nominated by any party. Every voting machine shall be furnished with a lantern, or a proper substitute for one, which shall give sufficient light to enable voters while voting to read the ballots and suitable for use by the election officers in examining the counters. All voting machines used in any election shall be provided with a screen, hood or curtain which shall be so made and adjusted as to conceal the voter and his action while voting.

Sec. 3. **ADOPTION OF VOTING MACHINE.**—The Board of County Commissioners of such counties may adopt for use at elections any kind of voting machine that meets the requirements of this Act, and thereupon such voting machine may be used at any and all elections held in such counties, or in any part thereof, for voting, registering and counting votes cast at such elections. Voting machines of different kinds may be adopted for different districts in the same county.

Sec. 4. **EXPERIMENTAL USE OF VOTING MACHINE.**—The County Commissioners of such counties, authorized by the last preceding section to adopt a voting machine, may provide for the experimental use, at an election in one or more districts of a machine or machines which they might thereafter permanently adopt, and the use of such machine or machines at such election shall be as valid for all purposes as if it, or they, had been permanently adopted.

Sec. 5. **PROVIDING MACHINES.** — The authorities adopting the use of voting machine shall, as soon as practicable thereafter provide for each polling place one or more voting machines in complete working order, and thereafter the authorities in charge of elections shall preserve and keep them in repair, and shall have custody thereof when not in use at any election. If it shall be impracticable to supply

each and every election district with a voting machine or voting machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or districts within such counties as the officers adopting the same may direct.

Sec. 6. PAYMENT FOR MACHINES.—The Boards of County Commissioners of such counties on the adoption and rental or purchase of voting machines may provide for the payment therefor in such manner as they may deem for the best interests of their respective localities.

Sec. 7. PRINTING OFFICIAL BALLOTS.—All ballots shall be printed on paper of clear white material, or such form and size as will fill the ballot frames of the machines in plain color type as large as the space will reasonably permit. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the caption of the various ballots on said machines shall be so placed on said machines as to indicate to the voter that push knob, key lever or other device is to be used or operated in order to vote for the candidate or candidates of his choice. The order of arrangement of parties and of candidates shall be as now required by law.

Sec. 8. MAILING OF SAMPLE BALLOTS AND FURNISHING OF INSTRUCTION BALLOTS.—The officer or officers whose duty it may be under this Act to provide and furnish official ballots for any polling place where a voting machine is to be used, shall also provide two sample ballots or instruction ballots which sample or instruction ballots shall be arranged in the form of a diagram showing such portion of the front of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample ballots shall be open to the inspection of all voters on election day, in all primaries and general elections where voting machines are used.

There shall be furnished to the election official, at each polling place, a sufficient number of sample ballots (a fac simile of the face of the machines) of a reduced size, so that one may be given to each voter desiring the same.

Sec. 9. NUMBER OF OFFICIAL BALLOTS TO BE FURNISHED.—Two sets of official ballots shall be provided for each polling place for each election district for use in and

upon the voting machine, one set thereof shall be inserted or placed in or upon the voting machine and the other shall be retained in the custody and possession of the Board of Elections, unless it shall become necessary during the course of the election to make use of the same upon or in the voting machine.

Sec. 10. DUTY OF AUTHORITIES OF MUNICIPALITIES.—It shall be the duty of the authorities in charge of any election where a voting machine is to be used, to have the machine and all necessary furniture and appliances at the proper polling place or places before the time fixed for opening of the polls, and the counters set at zero (000), and otherwise in good and proper order for use at such election; and for the purpose of placing ballots in the ballot frames of the machine, putting it in order, testing, and adjusting and delivering the machine, the authorities in charge of elections may employ one or more competent persons to be known as custodian or custodians of voting machines; who shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least thirty days before the election and shall be considered as officers of election. Before preparing a voting machine for any election, written notice shall be mailed to the chairman of the local organization of at least two of the principal parties, stating the time and place where the machines will be prepared, at which time one representative of each of such political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election; such representatives shall be sworn to faithfully perform their duties and shall be regarded as election officials but shall not interfere with the custodians or assume any of their duties. When a machine has been so examined by such representatives it shall be sealed with a numbered metal seal. Such representatives shall certify to the numbers of the machines, that all of the counters are set at zero (000), and as to the number registered on the protective counter, if one is provided, and on the seal. After the preparation of the machines, an officer or officers or someone duly authorized, other than the person who has prepared them for election, shall inspect each machine, and report in writing, concerning the facts as to whether or not all of the registering counters are set at zero (000), the machine is arranged in all respects in good order for the election and locked; and as to the number registered on the protective counter; and on the seal.

When a voting machine has been properly prepared for election, it shall be locked against voting and sealed; and the keys thereof shall be delivered to the board or officials having charge and control of elections, together with a written report made by the custodian, stating that it is in every way properly prepared for the election. After the voting machines shall be transferred to the polling places, it shall be the duty of the local authorities to provide ample protection against molestation or injury to the machine. The lantern or electric light fixture shall be prepared in good order for use before the opening of the polls.

Sec. 11. INSTRUCTION OF ELECTION OFFICERS.—

Not less than ten nor more than twenty-one days before each election, the custodian or cutsoadians of the machine shall instruct the Board of Elections that are to serve in an election district in the use of the machine, and in their duties in connection therewith; and he shall give to each member of the Board of Elections who has received such instruction and is fully qualified to properly conduct the election with the machine, a certificate to that effect. For the purpose of giving such instructions the custodian shall call such meeting or meetings of the Board of Elections as shall be necessary. Such custodian shall within five days, file a report with the board of official in charge of elections stating that he has instructed the election officers, giving the names of such officers, and the time and place where such instruction was given. The Board of Elections of each election district in which a voting machine is to be used shall attend such meeting, or meetings, as shall be called for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conduct of the election with the machine. No member of any Board of Elections shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform the duties in connection with the machine, and has received a certificate to that effect from the custodian of the machines; provided, however, that this shall not prevent the appointment of a person as a member of the Board of Elections to fill a vacancy in an emergency.

Sec. 12. INSTRUCTION OF VOTERS BEFORE ELECTION.—

Where voting machines are to be used, the authorities in charge of elections shall designate suitable and adequate times and places where voting machines containing sample ballots showing titles of offices to be filled, and, so

far as practicable, the names of candidates to be voted for at the next election shall be exhibited for the purpose of giving instructions as to the use of voting machines to all voters who apply for the same. No voting machine which is to be assigned for use in an election shall be used for such instruction after having been prepared and sealed for the elections. During public exhibition of any voting machine for the instruction of voters previous to an election, the counting mechanism thereof shall be concealed from view and the doors may be temporarily opened only when authorized by the board or official having charge and control of the elections.

Sec. 13. OFFICIAL BALLOTS FURNISHED.—Official ballots of the form and description set forth in this Act for use upon voting machines shall be prepared and furnished in the same manner, at the same time, and be delivered to the same officials as now provided by law.

Sec. 14. NUMBER OF VOTERS IN A DISTRICT.—Election districts in which voting machines are to be used may be altered, divided, or combined so as to provide that each district in which the machine is to be used shall contain as nearly as may be seven hundred and fifty voters, and that each district in which two machines are to be used shall contain as nearly as may be one thousand voters, and that each district in which three machines are to be used shall contain as nearly as may be one thousand five hundred voters, provided that nothing herein shall prevent any election district from containing a less number than above if necessary for the convenience of the voters. Whenever more than two machines are to be used in a district, one additional member of the Board of Elections shall be appointed for each additional machine.

Sec. 15. If the official ballots for an election district or precinct, at which a voting machine is to be used, shall not be delivered in time for use on election day or after delivery shall be lost, destroyed or stolen, the clerk or other official, or officials, whose duty it now is in such case to provide other ballots for use at such elections in lieu of those lost, destroyed or stolen, shall cause other ballots to be prepared, printed or written as nearly as may be of the form and description of the official ballots, and the Board of Election shall cause the ballots so substituted to be used at the election in the same manner, as nearly as may be, as the official ballots would have been.

Sec. 16. VOTING MACHINE OUT OF ORDER.—In case any voting machine used in any election district shall, during the time the polls are open, become injured so as to render it inoperative in whole or in part, it shall be the duty of the election officers immediately to give notice thereof to the body providing such machine, and it shall be the duty of such body, if possible, to substitute a perfect machine for the injured machine, and at the close of the polls, the records of both machines shall be taken, and the votes shown on their counters shall be added together in ascertaining and determining the results of the election; but if no other machine cannot be repaired in time for use at such election, unofficial ballots made as nearly as possible in the form of the official ballot may be used, received by the election officers and placed by them in a receptacle in such case to be provided by the election officers, and counted with the votes registered on the voting machines; and the result shall be declared the same as though there had been no accident to the voting machine; the ballots thus voted shall be preserved and returned as herein directed with a certificate or statement setting forth how and why the same were voted.

Sec. 17. OPENING OF POLLS.—The Board of Election of each District shall attend at the polling place, three-quarters of an hour before the time set for opening of the polls, at each election, and shall proceed to arrange within the guard rail the furniture, stationery and voting machine for the conduct of the election. The Boards of Election shall then and there have the voting machine, ballots and stationery required to be delivered to them for such election. If not previously done, they shall insert in their proper place on the voting machine, the ballots containing the names of the offices to be filled at such election, and the names of candidates nominated therefor. The keys to the voting machine shall be delivered to the election officers at least three-quarters of an hour before the time set for opening the polls, in a sealed envelope, on which shall be written or printed the number and location of the voting machine; the number of the seal and the number registered on the protective counter or device, as reported by the custodian. The envelope containing the keys shall not be opened until at least one member of the board from each of two political parties shall be present at the polling place, and shall have examined the envelope to see that it has not been opened. Before opening the envelope, all election officers present shall examine the number on the seal on the machine, also

the number registered on the protective counter, and shall see if they are the same as the number written on the envelope; and if they are not the same, the machine must not be opened until the custodian or other authorized person, shall have been notified and shall have presented himself at the polling place for the purpose of re-examining such machine and shall certify that it is properly arranged. If the numbers of the seal and protective counter are found to agree with the numbers on the envelope, the election officers shall proceed to open the doors concealing the counters, and each officer shall carefully examine every counter and see that it registers zero (000), and the same shall be subject to the inspection of official watchers. The machine shall remain locked against voting until the polls are formally opened, and shall not be operated except by voters in voting. If any counter is found not to register zero (000), the Board of Election shall immediately notify the custodian, who shall, if practicable, adjust the counters at zero (000), but if it shall be impracticable for the custodian to arrive in time to so adjust such counters before the time set for opening the polls, the election officers shall immediately make a written statement of the designating letter and number of such counter, together with the number registered thereon, and shall sign and post same upon the wall of the polling room, where it shall remain throughout election day, and in filling out the statement of canvass, they shall subtract such number from the number then registered thereon.

Sec. 18. IRREGULAR BALLOTS.—Ballots voted for any person whose name does not appear on the machine as a qualified candidate for office, are herein referred to as irregular ballots. In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partially of names of persons so in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

Sec. 19. LOCATION OF VOTING MACHINES.—At all elections where voting machines may be used, the arrangement of the polling room shall be the same as is now provided for by law; the exterior of the voting machine and

every part of the polling room shall be in plain view of the election officers; the voting machine shall be placed at least three feet from every wall or partition of the polling room and at least four feet from any table whereat any of the election officers may be engaged or seated. The voting machine shall be so placed that the ballots on the face of the machine can be plainly seen by the election officers and the party watchers when not in use by voters. The election officers shall not themselves be, or permit any other person to be in any position or near any position that will permit one to see or ascertain how a voter votes, or how he has voted. The election officer attending the machine shall inspect the face of the machine after each voter has cast his vote, to see that the ballots on the face of the machine are in their proper place and that the machine has not been injured. During elections the door or other covering of the counter compartment of the machine shall not be unlocked or open, or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the election officers and shall be sent with the returns. No person shall be permitted in or about the polling room except as now provided by law in elections where ballots and ballot boxes are used.

Sec. 20. TIME ALLOWED A VOTER.—Where a voter presents himself for the purpose of voting, the election officers shall ascertain whether his name is upon the register of voters, and if his name appears thereon and no challenge be interposed, or if interposed, be not sustained, one of the election officers to be stationed at the entrance through the outer guard rail shall announce the name of the voter and permit him to pass through the entrance opening in the outer guard rail to the booth of the voting machine for the purpose of casting his vote; no voter shall remain in the voting machine booth longer than two minutes, unless for good and sufficient reason he be granted a longer period of time by the election officer in charge, and having cast his vote, the voter shall at once emerge therefrom and leave the polling room by the exit opening in the outer guard rail; if he shall refuse to leave after the lapse of two minutes he shall be removed by the election officers; the election officers shall ascertain the name and address of each voter in the manner now provided by law, before he enters the voting machine booth for the purpose of voting; no voter after having entered and emerged from the voting machine booth shall be permitted to re-enter the same on any pretext

whatever; only one voter at a time shall be permitted to pass the outer guard rail to vote.

Sec. 21. INSTRUCTION OF VOTERS ON ELECTION DAY.—For the instruction of voters on any election days there shall, so far as practicable, be provided for each polling place a mechanically operated model of a portion of the face of the machine. Such model, if furnished, shall, during the election, be located on the election officer's table or in some other place which the voters must pass to reach the machine, and each voter shall, before entering the machine, be instructed regarding its operation and such instruction illustrated on the model, and the voter given opportunity to personally operate the model; the voter's attention shall also be called to the diagram of the face of the machine so that the voter can become familiar with the location of the questions and the names of the offices and candidates. In case any voter, after entering the voting machine, shall ask for further instructions concerning the manner of voting, two election officers of opposite political parties, if present, and if not, two election officers of the same party shall give such instructions to him, but no officer or person assisting a voter shall in any manner request, suggest or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular ticket, or for or against any particular candidate, or for or against any particular amendment, question or proposition. After giving such instructions and before such voter shall have registered his vote, the officers or persons assisting him shall retire and such voter shall then register his vote in secret as he may desire.

Sec. 22. BLIND OR PHYSICALLY DISABLED VOTERS.—The provisions of the election law relating to the assistance to be given to blind or physically disabled voters shall apply also where voting machines are used, and the word "booth," when used in such sections, shall be interpreted to include the voting machine inclosure or curtain.

Sec. 23. ANNOUNCING THE VOTE AND LOCKING THE MACHINE AGAINST VOTING.—Immediately upon the close of the polls, the election officers shall lock and seal the voting machine against further voting and open the counter compartment in the presence of persons who may be lawfully present at that time, giving full view of the counters. The chairman of the Board of Elections, under the

scrutiny of a member of the board of a different political party, if such member desires to be present, shall then in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counters, and shall then read the votes recorded for each office on the irregular ballots; he shall also, in the same manner, read and announce the vote on each constitutional amendment, proposition or other question. As each vote is read and announced, it shall be recorded on two statements of canvass by two other members of the Board of Election Inspectors, and when completed shall be compared with the numbers on the counters of the machine. If found to be correct, the result shall be announced by the chairman of the board, and the statements of canvass, after being duly certified and sworn to, shall be filed as now provided by law for filing election returns. After the reading and announcing of the vote, and before the doors of the counter compartment of the voting machine shall be closed, ample opportunity shall be given to any person or persons lawfully present to compare the result so announced with the counters of the machine and any necessary corrections shall then and thereby be made by the Board of Election. No tally sheets nor return blanks as required by law for use in election districts where paper ballots are used shall be furnished or used in election districts where voting machines are used, but in lieu thereof there shall be furnished two copies of a statement of canvass to conform to the requirements of the voting machine or machines being used.

Sec. 24. LOCKING THE MACHINE AND RETURNING THE IRREGULAR BALLOTS.—The election officers shall, as soon as the count is completed and fully ascertained, as by this Act required, lock the counter compartment and it shall so remain for a period of thirty days, except it be ordered opened by a court of competent jurisdiction. Whenever irregular ballots of whatever description have been voted, the election officers shall return all such ballots in a properly secured package endorsed "irregular ballots" and return and file such package with the original statement of the result of the election made by them. Said package shall be preserved for six months next succeeding such election, and it shall not be opened or its contents examined during that time except by order of a judge or a court lawfully empowered to direct the same to be opened and examined. At the end of six months, said package may

be opened and said ballots disposed of at the discretion of the official or body having charge thereof.

Sec. 25. DISPOSITION OF KEYS.—The keys of the machine shall be inclosed in an envelope to be supplied by the custodian on which shall be written the number of the machine and the district and ward where it has been used, which envelope shall be securely sealed and endorsed by the election officers, and shall be returned to the officer from whom the keys were received. The number on the seal and the number registered on the protective counter shall be written on the envelope containing the keys. All keys for voting machine shall be kept securely locked by the officials having them in charge. It shall be unlawful for any unauthorized person to have in his possession any key or keys of any voting machine and all election officers or persons entrusted with such keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for such legal purpose. All machines shall be boxed and stored as soon after the close of the election as possible, and the machine and the boxes for the machines shall at all times be stored in a suitable place.

Sec. 26. APPLICATION OF PREVIOUS ARTICLE AND PENAL LAW.—Any unauthorized person found in possession of any such voting machine or keys thereof shall be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five nor more than five hundred dollars, and imprisonment in the county jail, not less than ten nor more than thirty days; and any person wilfully tampering or attempting to tamper with, disarrange, deface or impair in any manner whatsoever, or destroy any such voting machine while the same is in use at any election, or who shall, after such machine is locked in order to preserve the registration or record of any election made by the same, tamper or attempt to tamper with any voting machine, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the State Prison of this State at hard labor for not less than three nor more than ten years.

Sec. 27. APPLICATION.—All laws relating to elections now in force in this State shall apply to all elections under this Act, so far as the same may be applicable thereto; and so far as such provisions are not inconsistent with the provisions of the Act pertaining to the use of the paper ballots and ballot boxes.

Sec. 28. The purpose and object of this bill is to provide a proper method of experimenting with and trying out what is known as the mechanical balloting or voting machine, and in every case in which the governing authorities of such counties, as hereinbefore described, shall adopt and place in use at any precinct or precincts of such counties, the said County Commissioners are hereby specifically authorized and empowered to do anything necessary, whether specifically covered by this Act or not, which they shall deem to be requisite to a fair, honest and satisfactory trial and use of such machine.

Sec. 29. Nothing in this Act shall in any way change, alter, repeal or modify any provision of the present election laws of the State of Florida, as the same shall now apply to and be operative in any election precinct in which such balloting machine shall not be used.

Sec. 30. This Act shall take effect immediately upon becoming a law.

Approved June 8, A. D. 1929.

CHAPTER 13895—(No. 331).

AN ACT to Authorize the County Commissioners of Any County in the State of Florida of a Population of Not Less Than 9,600 or More than 9,643, According to the State Census of 1925, to Adopt for Use or Use Experimentally, a Voting Machine or Voting Machines for the Conduct of Elections in Such Counties, and Setting Forth the Requirements of Such Voting Machines, and Prescribing the Method of Conducting Elections by and with the Use of Such Voting Machines and Directing How the Official Returns of Elections Conducted with the Aid of Such Voting Machines Shall Be Made, and Providing a Penalty for Unlawfully Possessing Such Voting Machines or the Keys Thereto, and Prescribing a Penalty for Wilfully Tampering or Attempting to Tamper, Disarrange, Deface, or Impair Such Voting Machines, and Also Defining Some of the Terms Used in This Act.

Be It Enacted by the Legislature of the State of Florida:

Section 1. DEFINITIONS.—The list of candidates used or to be used on the front of the voting machine for an election district in which a voting machine is used pursuant to

law shall be deemed official ballots under this chapter. The word "ballot" as used in this article (except when reference is made to irregular ballots) means that portion of the cardboard or paper or other material within the ballot frames containing the name of the candidate and the designation of the party by which he was nominated, or a statement of a proposed constitutional amendment, or other question or proposition with the word "yes" for voting for any question or proposition, and the word "no" for voting against any question. The term "question" shall mean any constitutional amendment, proposition or other question submitted to the voters at any election. The term "official ballot" shall mean the printed strips of cardboard containing the names of the candidates nominated and a statement of the question submitted. The term "irregular ballot" shall mean a vote cast, by or on a special device, for a person whose name does not appear on the ballots. The term "voting machine custodian" shall mean the person who shall have charge of preparing and arranging the voting machine for elections. The term "protective counter" shall mean a separate counter built into the voting machine which cannot be reset, which records the total number of movements of the operating lever.

Sec. 2. REQUIREMENTS OF VOTING MACHINES.—

Any voting machines may be adopted, rented, purchased or used which shall be so constructed to fulfill the following requirements: It shall secure to the voter secrecy in the act of voting; it shall provide facilities for voting for or against as many questions as may be submitted; it shall permit the voter to vote for the candidates of one or more parties; it shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more; it shall prevent the voter from voting for the same person more than once for the same office; it shall permit the voter to vote for or against any question he may have the right to vote upon, but no other; if used in primary elections, it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine; it shall correctly register or record, and accurately count all votes cast for any and all persons, and for or against any and all questions, it shall be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected; it shall be provided with a counter which shall show at all times during an election

how many persons have voted; it shall be provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; it may also be provided with one device for each party, for voting for all the presidential electors of that party by one operation, and a ballot therefor containing only the words "Presidential Electors For" preceded by the name of that party and followed by the names of the candidates thereof for the offices of president and vice-president, and a registering device therefor which shall register the vote cast for said electors when thus voted collectively, provided, however, that means shall be furnished whereby the voter can cast a vote in part for the candidates for presidential electors of one party, and in part for those of one or more other parties or in part or in whole for persons not nominated by any party. Every voting machine shall be furnished with a lantern, or a proper substitute for one, which shall give sufficient light to enable voters while voting to read the ballots and suitable for use by the election officers in examining the counters. All voting machines used in any election shall be provided with a screen, hood or curtain which shall be so made and adjusted as to conceal the voter and his action while voting.

Sec. 3. ADOPTION OF VOTING MACHINE.—The Board of County Commissioners of such counties may adopt for use at elections any kind of voting machine that meets the requirements of this Act, and thereupon such voting machine may be used at any and all elections held in such counties, or in any part thereof, for voting, registering and counting votes cast at such elections. Voting machines of different kinds may be adopted for different districts in the same county.

Sec. 4. EXPERIMENTAL USE OF VOTING MACHINE.—The County Commissioners of such counties, authorized by the last preceding section to adopt a voting machine, may provide for the experimental use, at an election in one or more districts of a machine or machines which they might thereafter permanently adopt, and the use of such machine or machines at such election shall be as valid for all purposes as if it, or they, had been permanently adopted.

Sec. 5. PROVIDING MACHINES. — The authorities adopting the use of voting machines shall, as soon as practicable thereafter provide for each polling place one or more

voting machines in complete working order, and thereafter the authorities in charge of elections shall preserve and keep them in repair, and shall have custody thereof when not in use at an election. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or districts within such counties as the officers adopting the same may direct.

Sec. 6. PAYMENT FOR MACHINES.—The Boards of County Commissioners of such county on the adoption and rental or purchase of voting machines may provide for the payment therefor in such manner as they may deem for the best interest of their respective localities.

Sec. 7. PRINTING OFFICIAL BALLOTS.—All ballots shall be printed on paper of clear white material, of such form and size and will fill the ballot frames of the machines, in plain color type as large as the space will reasonably permit. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the caption of the various ballots on said machines shall be so placed on said machines as to indicate to the voter that push knob, key lever or other device is to be used or operated in order to vote for the candidate or candidates of his choice. The order of arrangement of parties and of candidates shall be as now required by law.

Sec. 8. MAILING OF SAMPLE BALLOTS AND FURNISHING OF INSTRUCTION BALLOTS.—The officer or officers whose duty it may be under this Act to provide and furnish official ballots for any polling place where a voting machine is to be used, shall also provide two sample ballots or instruction ballots which sample or instruction ballots shall be arranged in the form of a diagram showing such portion of the front of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample ballots shall be open to the inspection of all voters on election day, in all primaries and general elections where voting machines are used.

There shall be furnished to the election official, at each polling place, a sufficient number of sample ballots (a facsimile of the face of the machines) of a reduced size, so that one may be given to each voter desiring the same.

Sec. 9. NUMBER OF OFFICIAL BALLOTS TO BE FURNISHED.—Two sets of official ballots shall be provided each polling place for each election district for use in and upon the voting machine, one set thereof shall be inserted or placed in or upon the voting machine and the other shall be retained in the custody and possession of the Board of Elections, unless it shall become necessary during the course of the election to make use of the same upon or in the voting machine.

Sec. 10. DUTY OF AUTHORITIES OF MUNICIPALITIES.—It shall be the duty of the authorities in charge of any election where a voting machine is to be used, to have the machine and all necessary furniture and appliances at the proper polling place or places before the time fixed for opening of the polls, and the counters set at zero (000), and otherwise in good and proper order for use at such election; and for the purpose of placing ballots in the ballot frames of the machine, putting it in order, testing and adjusting and delivering the machines, the authorities in charge of elections may employ one or more competent persons to be known as custodian or custodians of voting machines; who shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least thirty days before the election and shall be considered as officers of election. Before preparing a voting machine for any election, written notice shall be mailed to the chairman of the local organization of at least two of the principal parties, stating the time and place where the machines will be prepared, at which time one representative of each of such political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election; such representatives shall be sworn to faithfully perform their duties and shall be regarded as election officials, but shall not interfere with the custodians or assume any of their duties. When a machine has been so examined by such representatives it shall be sealed with a numbered metal seal. Such representatives shall certify to the numbers of the machines, that all of the counters are set at zero (000), and as to the number registered on the protective counter, if one is provided, and on the seal. After the preparation of the machines, an officer or officers, or someone duly authorized, other than the person who has prepared them for election, shall inspect each machine, and report in writing, concerning the facts as to whether or not all of the registering

counters are set at zero (000); the machine is arranged in all respects in good order for the election and locked, and as to the number registered on the protective counter, and on the seal. When a voting machine has been properly prepared for election, it shall be locked against voting and sealed; and the keys thereof shall be delivered to the board of officials having charge and control of elections, together with a written report made by the custodian, stating that it is in every way properly prepared for the election. After the voting machines shall be transferred to the polling places, it shall be the duty of the local authorities to provide ample protection against molestation or injury to the machine. The lantern or electric light fixture shall be prepared in good order for use before the opening of the polls.

Sec. 11. INSTRUCTION TO ELECTION OFFICERS.—Not less than ten nor more than twenty-one days before each election the custodian or custodians of the machine shall instruct the board of elections that are to serve in an election district in the use of the machine, and in their duties in connection therewith; and he shall give to each member of the Board of Elections who has received such instruction and is fully qualified to properly conduct the election with the machine, a certificate to that effect. For the purpose of giving such instructions the custodian shall call such meeting or meetings of the Board of Elections as shall be necessary. Such custodian shall, within five days, file a report with the board or official in charge of elections, stating that he has instructed the election officers, giving the names of such officers, and the time and place where such instruction was given. The Board of Elections of each election district in which a voting machine is to be used shall attend such meeting, or meetings, as shall be called for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conduct of the election with the machine. No member of any Board of Elections shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform the duties in connection with the machine, and has received a certificate to that effect from the custodian of the machines; provided, however, that this shall not prevent the appointment of a person as a member of the Board of Elections to fill a vacancy in an emergency.

Sec. 12. INSTRUCTION TO VOTERS BEFORE ELECTION.—Where voting machines are to be used, the authori-

ties in charge of elections shall designate suitable and adequate times and places where voting machines containing sample ballots showing titles of offices to be filled, and, so far as practicable, the names of candidates to be voted for at the next election shall be exhibited for the purpose of giving instructions as to the use of voting machines to all voters who apply for the same. No voting machine which is to be assigned for use in an election shall be used for such instruction after having been prepared and sealed for the elections. During public exhibition of any voting machine for the instruction of voters previous to an election, the counting mechanism thereof shall be concealed from view and the doors may be temporarily opened only when authorized by the board or official having charge and control of the elections.

Sec. 13. OFFICIAL BALLOTS FURNISHED.—Official ballots of the form and description set forth in this Act for use upon voting machines shall be prepared and furnished in the same manner, at the same time, and be delivered to the same officials as now provided by law.

Sec. 14. NUMBER OF VOTERS IN A DISTRICT.—Election districts in which voting machines are to be used may be altered, divided, or combined so as to provide that each district in which the machine is to be used shall contain, as nearly as may be, seven hundred and fifty voters, and that each district in which two machines are to be used shall contain, as nearly as may be, one thousand voters, and that each district in which three machines are to be used shall contain, as nearly as may be, one thousand five hundred voters, provided that nothing herein shall prevent any election district from containing a less number than above if necessary for the convenience of the voters. Whenever more than two machines are to be used in a district, one additional member of the Board of Elections shall be appointed for each additional machine.

Sec. 15. If the official ballots for an election district or precinct, at which a voting machine is to be used, shall not be delivered in time for use on election day, or after delivery shall be lost, destroyed or stolen, the clerk or other official or officials, whos duty it now is in such case to provide other ballots for use at such elections in lieu of those lost, destroyed or stolen, shall cause other ballots to be prepared, printed or written as nearly as may be of the form and de-

scription of the official ballots, and the Board of Election shall cause the ballots so substituted to be used at the election in the same manner, as nearly as may be, as the official ballots would have been.

Sec. 16. VOTING MACHINE OUT OF ORDER.—In case any voting machine used in any election district shall, during the time the polls are open, become injured so as to render it inoperative, in whole or in part, it shall be the duty of the election officers immediately to give notice thereof to the body providing such machine, and it shall be the duty of such body, if possible, to substitute a perfect machine for the injured machine, and at the close of the polls, the records of both machines shall be taken, and the votes shown on their counters shall be added together in ascertaining and determining the results of the election; but if no other machine cannot be repaired in time for use at such election, unofficial ballots made as nearly as possible in the form of the official ballots may be used, received by the election officers and placed by them in a receptacle in such case to be provided by the election officers, and counted with the votes registered on the voting machines; and the result shall be declared the same as though there had been no accident to the voting machine; the ballots thus voted shall be preserved and returned as herein directed with a certificate or statement setting forth how and why the same were voted.

Sec. 17. OPENING OF POLLS.—The Boards of Election of each district shall attend at the polling place, three-quarters of an hour before the time set for opening of the polls, at each election, and shall proceed to arrange within the guard rail the furniture, stationery and voting machine for the conduct of the election. The Boards of Election shall then and there have the voting machine, ballots and stationery required to be delivered to them for such election. If not previously done, they shall insert in their proper place on the voting machine the ballots containing the names of the offices to be filled at such election, and the names of candidates nominated therefor. The keys to the voting machine shall be delivered to the election officers at least three-quarters of an hour before the time set for opening the polls, in a sealed envelope on which shall be written or printed the number and location of the voting machine; the number of the seal and the number registered on the protective counter or device, as reported by the custodian. The envelope con-

taining the keys shall not be opened until at least one member of the board from each of two political parties shall be present at the polling place, and shall have examined the envelope to see that it has not been opened. Before opening the envelope, all election officers present shall examine the number on the seal of the machine, also the number registered on the protective counter, and shall see if they are the same as the number written on the envelope; and if they are not the same, the machine must not be opened until the custodian or other authorized person shall have been notified and shall have presented himself at the polling place for the purpose of re-examining such machine and shall certify that it is properly arranged. If the numbers of the seal and protective counter are found to agree with the numbers on the envelope, the election officers shall proceed to open the doors concealing the counters, and each officer shall carefully examine every counter and see that it registers zero (000), and the same shall be subject to the inspection of official watchers. The machine shall remain locked against voting until the polls are formally opened, and shall not be operated except by voters in voting. If any counter is found not to register zero (000) the Board of Election shall immediately notify the custodian, who shall, if practicable, adjust the counters at zero (000) but if it shall be impracticable for the custodian to arrive in time to so adjust such counters before the time set for opening the polls, the election officers shall immediately make a written statement of the designating letter and number of such counter, together with the number registered thereon, and shall sign and post same upon the wall of the polling room, where it shall remain throughout election day, and in filling out the statement of canvass, they shall subtract such number from the number then registered thereon.

Sec. 18. IRREGULAR BALLOTS.—Ballots voted for any person whose name does not appear on the machine as a qualified candidate for office, are herein referred to as irregular ballots. In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partially of names of persons so in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose.

An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

Sec. 19. LOCATION OF VOTING MACHINES.—At all elections where voting machines may be used, the arrangement of the polling room shall be the same as is now provided for by law; the exterior of the voting machine and every part of the polling room shall be in plain view of the election officers; the voting machine shall be placed at least three feet from every wall or partition of the polling room and at least four feet from any table whereat any of the election officers may be engaged or seated. The voting machine shall be so placed that the ballots on the face of the machine can be plainly seen by the election officers and the party watchers when not in use by voters. The election officers shall not themselves be, or permit any other person to be in any position or near any position that will permit one to see or ascertain how a voter votes, or how he has voted. The election officer attending the machine shall inspect the face of the machine after each voter has cast his vote, to see that the ballots on the face of the machine are in their proper place and that the machine has not been injured. During elections the door or other covering of the counter compartment of the machine shall not be unlocked or open, or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the election officers and shall be sent with the returns. No person shall be permitted in or about the polling room except as now provided by law in elections where ballots and ballot boxes are used.

Sec. 20. TIME ALLOWED A VOTER.—Where a voter presents himself for the purpose of voting, the election officers shall ascertain whether his name is upon the register of voters, and if his name appears thereon and no challenge be interposed, or if interposed, be not sustained, one of the election officers to be stationed at the entrance through the outer guard rail shall announce the name of the voter and permit him to pass through the entrance opening in the outer guard rail to the booth of the voting machine for the purpose of casting his vote; no voter shall remain in the voting machine booth longer than two minutes, unless for good and sufficient reason he be granted a longer period of time by the election officer in charge, and having cast his vote the voter shall at once emerge therefrom and leave the polling room by the exit opening in the outer guard rail; if

he shall refuse to leave after the lapse of two minutes he shall be removed by the election officers; the election officers shall ascertain the name and address of each voter in the manner now provided by law, before he enters the voting machine booth for the purpose of voting; no voter after having entered and emerged from the voting machine booth shall be permitted to re-enter the same on any pretext whatever; only one voter at a time shall be permitted to pass the outer guard rail to vote.

Sec. 21. INSTRUCTION TO VOTERS ON ELECTION DAY.—For the instruction of voters on any election days there shall, so far as practicable, be provided for each polling place a mechanically operated model of a portion of the face of the machine. Such model, if furnished, shall, during the election, be located on the election officer's table or in some other place which the voters must pass to reach the machine, and each voter shall, before entering the machine, be instructed regarding its operation and such instruction illustrated on the model, and the voter given opportunity to personally operate the model, the voter's attention shall also be called to the diagram of the face of the machine so that the voter can become familiar with the location of the questions and the names of the officers and candidates. In case any voter, after entering the voting machine, shall ask for further instructions concerning the manner of voting, two election officers of opposite political parties, if present, and if not, two elections officers of the same party shall give such instructions to him, but no officer or person assisting a voter shall in any manner request, suggest or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular ticket, or for or against any particular candidate, or for or against any particular amendment, question or proposition. After giving such instructions and before such voter shall have registered his vote, the officers or persons assisting him shall retire and such voter shall then register his vote in secret as he may desire.

Sec. 22. BLIND OR PHYSICALLY DISABLED VOTERS.—The provisions of the election law relating to the assistance to be given to blind or physically disabled voters shall apply also where voting machiens are used, and the word "booth," when used in such sections, shall be interpreted to include the voting machine inclosure or curtain.

Sec. 23. ANNOUNCING THE VOTE AND LOCKING THE MACHINE AGAINST VOTING.—Immediately upon the close of the polls, the election officers shall lock and seal the voting machine against further voting and open the counter compartment in the presence of persons who may be lawfully present at that time, giving full view of the counters. The chairman of the Board of Elections, under the scrutiny of a member of the board of a different political party, if such member desires to be present shall then in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counters, and shall then read the votes recorded for each office on the irregular ballots; he shall also, in the same manner, read and announce the vote on each constitutional amendment, proposition or other question. As each vote is read and announced, it shall be recorded on two statements of canvass by two other members of the Board of Election inspectors, and when completed shall be compared with the numbers on the counters of the machine. If found to be correct, the result shall be announced by the chairman of the board and the statements of canvass, after being duly certified and sworn to, shall be filed as now provided by law for filing election returns. After the reading and announcing of the vote, and before the doors of the counter compartment of the voting machine shall be closed, ample opportunity shall be given to any person or persons lawfully present to compare the result so announced with the counters of the machine and any necessary corrections shall then and thereby be made by the Board of Election. No tally sheets nor return blanks as required by law for use in election districts where paper ballots are used shall be furnished or used in election districts where voting machines are used, but in lieu thereof there shall be furnished two copies of a statement of canvass to conform to the requirements of the voting machine or machines being used.

Sec. 24. LOCKING THE MACHINE AND RETURNING THE IRREGULAR BALLOTS.—The election officers shall, as soon as the count is completed and fully ascertained, as by this Act required, lock the counter compartment and it shall so remain for a period of thirty days, except it be ordered opened by a court of competent jurisdiction. Whenever irregular ballots of whatever description have been voted, the election officers shall return all such ballots in a properly secured package endorsed "irregular ballots" and return and file such package with the original statement of

the result of the election made by them. Said package shall be preserved for six months next succeeding such election, and it shall not be opened or its contents examined during that time except by order of a judge or a court lawfully empowered to direct the same to be opened and examined. At the end of said six months, said package may be opened and said ballots disposed of at the discretion of the official or body having charge thereof.

Sec. 25. DISPOSITION OF KEYS.—The keys of the machine shall be inclosed in an envelope to be supplied by the custodian on which shall be written the number of the machine and the district and ward where it has been used, which envelope shall be securely sealed and endorsed by the election officers, and shall be returned to the officer from whom the keys were received. The number on the seal and the number registered on the protective counter shall be written on the envelope containing the keys. All keys for voting machines shall be kept securely locked by the officials having them in charge. It shall be unlawful for any unauthorized person to have in his possession any key or keys of any voting machine and all election officers or persons intrusted with such keys for election purposes, or in the preparatin of the machine therefor, shall not retain them longer than necessary to use them for such legal purpose. All machines shall be boxed and stored as soon after the close of the election as possible, and the machine and the boxes for the machines shall at all times be stored in a suitable place.

Sec. 26. APPLICATION OF PREVIOUS ARTICLE AND PENAL LAW.—Any unauthorized person found in possession of any such voting machine or keys thereof shall be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five nor more than five hundred dollars, and imprisonment in the county jail, not less than ten nor more than thirty days; and any person wilfully tampering or attempting to tamper with, disarrange, deface or impair in any manner whatsoever, or destroy any such voting machine while the same is in use at any election, or who shall after such machine is locked in order to preserve the registration or record of any election made by the same, tamper or attempt to tamper with any voting machine, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the State Prison of this State at hard labor for not less than three nor more than ten years.

Sec. 27. APPLICATION.—All laws relating to elections now in force in this State shall apply to all elections under the Act so far as the same may be applicable thereto; and so far as such provisions are not inconsistent with the provisions of the Act pertaining to the use of the paper ballots and ballot boxes.

Sec. 28. The purpose and object of this bill is to provide a proper method of experimenting with and trying out what is known as the mechanical balloting or voting machine, and in every case in which the governing authorities of such counties, as is hereinbefore described, shall adopt and place in use at any precinct or precincts of such counties, the said County Commissioners are hereby specifically authorized and empowered to do anything necessary, whether specifically covered by this Act or not, which they shall deem to be requisite to a fair, honest and satisfactory trial and use of such machine.

Sec. 29. Nothing in this Act shall in any way change, alter, repeal or modify any provision of the present election laws of the State of Florida, as the same shall now apply to and be operative in any election precinct in which such balloting machine shall not be used.

Sec. 30. This Act shall take effect immediately upon becoming a law.

Approved June 7, A. D. 1929.

CHAPTER 13896—(No. 332).

AN ACT to Authorize the County Commissioners of Any County Having a Population of Not Less Than 63,900 or More Than 63,925, According to the State Census of 1925, or the Governing Body of Any Municipality, Within the State of Florida, to Adopt for Use or Use Experimentally a Voting Machine or Voting Machines for the Conduct of Elections in Such Counties or Municipalities, and Setting Forth the Requirements of Such Voting Machines and Prescribing the Method of Conducting Elections by and With the Aid of Such Voting Machines, and Directing How the Official Returns of Elections Conducted Shall Be Made, and Providing a Penalty for Unlawfully Possessing Such Voting Machines or the Keys Thereto, and Prescribing a Penalty, for Wilfully Tampering or Attempting to

Tamper, Disarrange, Deface, or Impair Such Voting Machines, and Also Defining Some of the Terms Used in This Act.

Be It Enacted by the Legislature of the State of Florida:

Section 1. DEFINITIONS.—The list of candidates used or to be used on the front of the voting machine for an election district in which a voting machine is used pursuant to law shall be deemed official ballots under this chapter. The word "Ballot" as used in this Article (except when reference is made to irregular ballots) means that portion of the cardboard or paper or other material within the ballot frames containing the name of the candidate and the designation of the party by which he was nominated, or a statement of a proposed constitutional amendment, or other question or proposition with the word "yes" for voting for any question or proposition, and the word "no" for voting against any question. The term "question" shall mean any constitutional amendment, proposition or other question submitted to the voters at any election. The term "official ballot" shall mean the printed strips of cardboard containing the names of the candidates nominated and a statement of the questions submitted. The term "irregular ballot" shall mean a vote cast, by or on a special device, for a person whose name does not appear on the ballot. The term "voting machine custodian" shall mean the person who shall have charge of preparing and arranging the voting machine for elections. The term "protective counter" shall mean a separate counter built into the voting machine which cannot be reset, which records the total number of movements of the operating lever.

Sec. 2. REQUIREMENTS OF VOTING MACHINES.—Any voting machines may be adopted, rented, purchased or used which shall be so constructed as to fulfill the following requirements: It shall secure to the voter secrecy in the act of voting; it shall provide facilities for voting for or against as many questions as may be submitted; it shall permit the voter to vote for the candidates of one or more parties; it shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more; it shall prevent the voter from voting for the same persons more than once for the same office; it shall permit the voter to vote for or against any question he may have the right to vote upon, but no other; if used in primary elections, it shall

be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine; it shall correctly register or record, and accurately count all votes cast for any and all persons, and for or against any and all questions, it shall be provided with a "Protective Counter" or "Protective Device" whereby any operation of the machine before or after the election will be detected; it shall be provided with a counter which shall show at all times during an election how many persons have voted; it shall be provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; it may also be provided with one device for each party, for voting for all the presidential electors of that party by one operation, and a ballot therefor containing only the words "Presidential Electors For" preceded by the name of that party and followed by the names of the candidates thereof for the offices of President and Vice-President, and a registering device therefor which shall register the vote cast for said electors when thus voted collectively; provided, however, that means shall be furnished whereby the voter can cast a vote in part for the candidates for presidential electors of one party, and in part for those of one or more other parties or in part or in whole for persons not nominated by any party. Every voting machine shall be furnished with a lantern, or a proper substitute for one, which shall give sufficient light to enable voters while voting to read the ballots and suitable for use by the election officers in examining the counters. All voting machines used in any election shall be provided with a screen, hood or curtain which shall be so made and adjusted as to conceal the voter and his action while voting.

Sec. 3. ADOPTION OF VOTING MACHINE.—The Board of County Commissioners of any County having a population of not less than 63,900 or more than 63,925, according to the State census of 1925, or the governing body of any municipality, may adopt for use at elections any kind of voting machine that meets the requirements of this Act, and thereupon such voting machine may be used at any or all elections held in such county or municipality, or in any part thereof, for voting, registering and counting votes cast at such elections. Voting machines of different kinds may be adopted for different districts in the same county or municipality.

Sec. 4. EXPERIMENTAL USE OF VOTING MACHINE.—The County Commissioners of any County having

a population of not less than 63,900 or more than 63,925, according to the State census of 1925, or the governing body of any municipality, authorized by the last preceding section to adopt a voting machine, may provide for the experimental use, at an election in one or more districts of a machine or machines which they might thereafter permanently adopt, and the use of such machine or machines at such election shall be as valid for all purposes as if it, or they, had been permanently adopted.

Sec. 5. PROVIDING MACHINES.—The authorities adopting the use of voting machines shall, as soon as practicable thereafter, provide for each polling place one or more voting machines in complete working order, and thereafter the authorities in charge of elections shall preserve and keep them in repair, and shall have custody thereof when not in use at an election. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or districts within such county or municipality as the officers adopting the same may direct.

Sec. 6. PAYMENT FOR MACHINES.—The Boards of County Commissioners or the municipal authorities on the adoption and rental or purchase of voting machines may provide for the payment therefor in such manner as they may deem for the best interest of their respective localities.

Sec. 7. PRINTING OFFICIAL BALLOTS.—All ballots shall be printed on paper or clear white material, of such form and size as will fill the ballot frames of the machines, in plain color type as large as the space will reasonably permit. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the caption of the various ballots on said machines shall be so placed on said machines as to indicate to the voter what push knob, key lever or other device is to be used or operated in order to vote for the candidate or candidates of his choice. The order of the arrangement of parties and of candidates shall be as now required by law.

Sec. 8. MAILING OF SAMPLE BALLOTS AND FURNISHING OF INSTRUCTION BALLOTS.—The officer or officers whose duty it may be under this Act to provide and furnish official ballots for any polling place where a voting

machine is to be used, shall also provide two sample ballots or instruction ballots, which sample or instruction ballots shall be arranged in the form of a diagram showing such portion of the front of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample ballots shall be open to the inspection of all voters on election day, in all primaries and general elections where voting machines are used.

There shall be furnished to the election official, at each polling place, a sufficient number of sample ballots (a fac simile of the face of the machine) of a reduced size, so that one may be given to each voter desiring the same.

Sec. 9. NUMBER OF OFFICIAL BALLOTS TO BE FURNISHED.—Two sets of official ballots shall be provided for each polling place for each election district for use in and upon the voting machine, one set thereof shall be inserted or placed in or upon the voting machine and the other shall be retained in the custody and possession of the Board of Elections, unless it shall become necessary during the course of the election to make use of the same upon or in the voting machine.

Sec. 10. DUTY OF AUTHORITIES OF MUNICIPALITIES.—It shall be the duty of the authorities in charge of any election where a voting machine is to be used, to have the machine and all necessary furniture and appliances at the proper polling place or places before the time fixed for opening of the polls, and the counters set at zero (000), and otherwise in good and proper order for use at such election; and for the purpose of placing ballots in the ballot frames of the machine, putting it in order, testing, and adjusting and delivering the machine, the authorities in charge of elections may employ one or more competent persons to be known as custodian or custodians of voting machines; who shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least thirty days before the election and shall be considered as officers of elections. Before preparing a voting machine for any election, written notice shall be mailed to the chairman of the local organization of at least two of the principal parties, stating the time and place where the machine will be prepared, at which time one representative of each of such political parties shall be afforded an opportunity to see that

the machines are in proper condition for use in the election: such representative shall be sworn to faithfully perform their duties and shall be regarded as election officials but shall not interfere with the custodians or assume any of their duties. When a machine has been so examined by such representatives it shall be sealed with a numbered metal seal. Such representatives shall certify to the numbers of the machines, that all of the counters are set at zero (000), and as to the number registered on the protective counter, if one is provided, and on the seal. After the preparation of the machines, an officer or officers or someone duly authorized, other than the person who has prepared them for election, shall inspect each machine, and report in writing, concerning the facts as to whether or not all of the registering counters are set at zero (000), the machine is arranged in all respects in good order for the election and locked; and as to the number registered on the protective counter; and on the seal. When a voting machine has been properly prepared for election, it shall be locked against voting and sealed; and the keys thereof shall be delivered to the board or officials having charge and control of elections, together with a written report made by the custodian, stating that it is in every way properly prepared for the election. After the voting machines shall be transferred to the polling places, it shall be the duty of the local authorities to provide ample protection against molestation or injury to the machine. The lantern or electric light fixture shall be prepared in good order for use before the opening of the polls.

Sec. 11. INSTRUCTION OF ELECTION OFFICERS.—Not less than ten nor more than twenty-one days before each election, the custodian or custodians of the machine shall instruct the Board of Elections that are to serve in an election district in the use of the machine, and in their duties in connection therewith; and he shall give to each member of the Board of Elections who has received such instruction and is fully qualified to properly conduct the election with the machine, a certificate to that effect. For the purpose of giving such instructions the custodian shall call such meeting or meetings of the Board of Elections as shall be necessary. Such custodian shall within five days, file a report with the board or official in charge of elections stating that he has instructed the election officers, giving the names of such officers, and the time and place where such instruction was given. The Board of Elections of each election district

in which a voting machine is to be used shall attend such meeting, or meetings, as shall be called for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conduct of the election with the machine. No member of any Board of Elections shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform the duties in connection with the machine, and has received a certificate to that effect from the custodian of the machines; provided, however, that this shall not prevent the appointment of a person as a member of the Board of Elections to fill a vacancy in an emergency.

Sec. 12. INSTRUCTION OF VOTERS BEFORE ELECTION.—Where voting machines are to be used, the authorities in charge of elections shall designate suitable and adequate times and places where voting machines containing sample ballots showing titles of offices to be filled, and, so far as practicable, the names of candidates to be voted for at the next election shall be exhibited for the purpose of giving instructions as to the use of voting machines to all voters who apply for the same. No voting machine which is to be assigned for use in an election shall be used for such instruction after having been prepared and sealed for the election. During public exhibition of any voting machine for the instruction of voters previous to an election, the counting mechanism thereof shall be concealed from view and the doors may be temporarily opened only when authorized by the board or official having charge and control of the elections.

Sec. 13. OFFICIAL BALLOTS FURNISHED.—Official ballots of the form and description set forth in this Act for use upon voting machines shall be prepared and furnished in the same manner, at the same time, and be delivered to the same officials as now provided by law.

Sec. 14. NUMBER OF VOTERS IN A DISTRICT.—Election districts in which voting machines are to be used may be altered, divided, or combined so as to provide that each district in which the machine is to be used shall contain as nearly as may be seven hundred and fifty voters, and that each district in which two machines are to be used shall contain as nearly as may be one thousand voters, and that each district in which three machines are to be used shall contain as nearly as may be one thousand five hundred

voters, provided that nothing herein shall prevent any election district from containing a less number than above if necessary for the convenience of the voters. Whenever more than two machines are to be used in a district, one additional member of the Board of Elections shall be appointed for each additional machine.

Sec. 15. If the official ballots for an election district or precinct, at which a voting machine is to be used, shall not be delivered in time for use on election day or after delivery shall be lost, destroyed or stolen, the clerk or other official, or officials, whose duty it now is in such case to provide other ballots for use at such elections in lieu of those lost, destroyed or stolen, shall cause other ballots to be prepared, printed or written as nearly as may be of the form and description of the official ballots, and the Board of Election shall cause the ballots so substituted to be used at the election in the same manner, as nearly as may be, as the official ballots would have been.

Sec. 16. VOTING MACHINE OUT OF ORDER.—In case any voting machine used in any election district shall, during the time the polls are open, become injured so as to render it inoperative in whole or in part, it shall be the duty of the election officers immediately to give notice thereof to the body providing such machine, and it shall be the duty of such body, if possible to substitute a perfect machine for the injured machine, and at the close of the polls, the records of both machine shall be taken, and the votes shown on their counters shall be added together in ascertaining and determining the results of the election; but if no other machine can be prepared for use at such election, and the one injured cannot be repaired in time for use at such election, unofficial ballots made as nearly as possible in the form of the official ballot may be used, received by the election officers and placed by them in a receptacle in such case, to be provided by the election officers, and counted with the votes registered on the voting machines; and the result shall be declared the same as though there had been no accident to the voting machine; the ballots thus voted shall be preserved and returned as herein directed with a certificate or statement setting forth how and why the same were voted.

Sec. 17. OPENING OF POLLS.—The Boards of Election of each district shall attend at the polling place three-

quarters of an hour before the time set for opening of the polls, at each election, and shall proceed to arrange within the guard-rail the furniture, stationery and voting machine for the conduct of the election. The Boards of Election shall then and there have the voting machine, ballots, and stationery required to be delivered to them for such election. If not previously done, they shall insert in their proper place on the voting machine, the ballots containing the names of offices to be filled at such election, and the names of candidates nominated therefor. The keys to the voting machine shall be delivered to the election officers at least three-quarters of an hour before the time set for opening the polls, in a sealed envelope, on which shall be written or printed the number and location of the voting machine; the number of the seal and the number registered on the protective counter or device, as reported by the custodian. The envelope containing the keys shall not be opened until at least one member of the board from each of two political parties shall be present at the polling place, and shall have examined the envelope to see that it has not been opened. Before opening the envelope, all election officers present shall examine the number on the seal on the machine, also the number registered on the protective counter, and shall see if they are the same as the number written on the envelope; and if they are not the same, the machine must not be opened until the custodian or other authorized person, shall have been notified and shall have presented himself at the polling place for the purpose of re-examining such machine, certify that it is properly arranged. If the numbers on the seal and protective counter are found to agree with the numbers on the envelope, the election officers shall proceed to open the doors concealing the counters, and each officer shall carefully examine every counter and see that it registers zero (000), and the same shall be subject to the inspection of official watchers. The machine shall remain locked against voting until the polls are formally opened, and shall not be operated except by voters in voting. If any counter is found not to register zero (000) the Board of Election shall immediately notify the custodian, who shall, if practicable, adjust the counters at zero (000) but if it shall be impracticable for the custodian to arrive in time to so adjust such counters before the time set for opening the polls, the election officers shall immediately make a written statement of the designating letter and number of such counter, together with the number registered thereon, and shall sign and post

same upon the wall of the polling room, where it shall remain throughout election day and in filling out the statement of canvass, they shall subtract such number from the number then registered thereon.

Sec. 18. IRREGULAR BALLOTS.—Ballots voted for any person whose name does not appear on the machine as a qualified candidate for office, are herein referred to as irregular ballots in voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partially of names of persons so in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

Sec. 19. LOCATION OF VOTING MACHINES.—At all elections whereat voting machines may be used, the arrangement of the polling room shall be the same as is now provided for by law; the exterior of the voting machine and every part of the polling room shall be in plain view of the election officers; the voting machine shall be placed at least three feet from every wall or partition of the polling room and at least four feet from any table whereat any of the election officers may be engaged or seated. The voting machine shall be so placed that the ballots on the face of the machine can be plainly seen by the election officers and the party watchers when not in use by voters. The election officers shall not themselves be, or permit any other person to be in any position or near any position that will permit one to see or ascertain how a voter votes, or how he has voted. The election officer attending the machine shall inspect the face of the machine after each voter has cast his vote, to see that the ballots on the face of the machine are in their proper places and that the machine has not been injured. During elections the door or other covering of the counter compartment of the machine shall not be unlocked or open, or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the election officers and shall be sent with their returns. No person shall be permitted in or about the polling room except as now provided by law in elections where ballots and ballot boxes are used.

Sec. 20. TIME ALLOWED A VOTER.—Where a voter presents himself for the purpose of voting, the election officers shall ascertain whether his name is upon the register of voters, and if his name appear thereon and no challenge be interposed, or if interposed, be not sustained, one of the election officers to be stationed at the entrance through the outer guard-rail shall announce the name of the voter and permit him to pass through the entrance opening in the outer guard-rail to the booth of the voting machine for the purpose of casting his vote; no voter shall remain in the voting machine booth longer than two minutes, unless for good and sufficient reason he be granted a longer period of time by the election officers in charge, and having cast his vote the voter shall at once emerge therefrom and leave the polling room by the exit opening in the outer guard-rail; if he shall refuse to leave after the lapse of two minutes he shall be removed by the election officers; the election officers shall ascertain the name and address of each voter in the manner now provided by law before he enters the voting machine booth for the purpose of voting; no voter after having entered and emerged from the voting machine booth shall be permitted to re-enter the same on any pretext whatever; only one voter at a time shall be permitted to pass the outer guard-rail.

Sec. 21. INSTRUCTING VOTERS ON ELECTION DAY.—For the instruction of voters on any election days there shall, so far as practicable, be provided for each polling place a mechanically operated model of a portion of the face of the machine. Such model shall, during the election, be located on the election officer's table or in some other place which the voters must pass to reach the machine, and each voter shall before entering the machine booth be instructed regarding its operation and such instruction illustrated on the model, and the voter given opportunity to personally operate the model. The voter's attention shall also be called to the diagram of the face of the machine so that the voter can become familiar with the location of the questions and the names of the officers and candidates. In case any voter, after entering the voting machine booth, shall ask for further instructions concerning the manner of voting, two election officers of opposite political parties, if present, and if not, two election officers of the same party shall give such instructions to him, but no officer or person assisting a voter shall in any manner request, suggest or seek to persuade or in-

duce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular ticket, or for or against any particular candidate, or for or against any particular amendment, question or proposition. After giving such instructions and before such voter shall have registered his vote, the officers or persons assisting him shall retire and such voter shall then register his vote in secret as he may desire.

Sec. 22. BLIND OR PHYSICALLY DISABLED VOTERS.—The provisions of the election law relating to the assistance to be given to blind or physically disabled voters shall apply also where voting machines are used, and the word "booth," when used in such sections, shall be interpreted to include the voting machine inclosure or curtain.

Sec. 23. ANNOUNCING THE VOTE AND LOCKING THE MACHINE AGAINST VOTING.—Immediately upon the close of the polls, the election officers shall lock and seal the voting machine against further voting and open the counter compartment in the presence of persons who may be lawfully present at that time, giving full view of the counters. The chairman of the Board of Elections, under the scrutiny of a member of the board of a different political party, if such member desires to be present, shall then in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counters, and shall then read the votes recorded for each office on the irregular ballots; he shall also, in the same manner read and announce the vote on each constitutional amendment proposition, or other question. As each vote is read and announced, it shall be recorded on two statements of canvass by two other members of the Board of Election inspectors, and when completed shall be compared with the numbers on the counters of the machine. If found to be correct, the result shall be announced by the chairman of the board and the statements of canvass, after being duly certified and sworn to, shall be filed as now provided by law for filing election returns. After the reading and announcing of the vote, and before the doors of the counter compartment of the voting machine shall be closed, ample opportunity shall be given to any person or persons lawfully present to compare the results so announced with the counters of the machine and any necessary corrections shall then and there be made by the Board of Elections. No tally sheets nor return blanks as required by law for use in

election districts where paper ballots are used shall be furnished or used in election districts where voting machines are used, but in lieu thereof there shall be furnished two copies of a statement of canvass to conform to the requirements of the voting machine or machines being used.

Sec. 24. LOCKING THE MACHINE AND RETURNING THE IRREGULAR BALLOTS.—The election officers shall, as soon as the count is completed and fully ascertained, as by this Act required, lock the counter compartment and it shall so remain for a period of thirty days, except it be ordered opened by a court of competent jurisdiction. Whenever irregular ballots of whatever description have been voted, the election officers shall return all such ballots in a properly secured package endorsed "irregular ballots" and return and file such package with the original statement of the result of the election made by them. Such package shall be preserved for six months next succeeding such election, and it shall not be opened or its contents examined during that time except by order of a judge or a court lawfully empowered to direct the same to be opened and examined. At the end of said six months, said package may be opened and said ballots disposed of at the discretion of the official or body having charge thereof.

Sec. 25. DISPOSITION OF KEYS.—The keys of the machine shall be enclosed in an envelope to be supplied by the custodian on which shall be written the number of the machine and the district and ward where it has been used, which envelope shall be securely sealed and endorsed by the election officers, and shall be returned to the officer from whom the keys were received. The number on the seal and the number registered on the protective counter shall be written on the envelope containing the keys. All keys for voting machines shall be kept securely locked by the officials having them in charge. It shall be unlawful for any unauthorized person to have in his possession any key or keys of any voting machine and all election officers or persons entrusted with such keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for such legal purpose. All machines shall be boxed and stored as soon after the close of the election as possible, and the machines and the boxes for the machines shall at all times be stored in a suitable place.

Sec. 26. APPLICATION OF PREVIOUS ARTICLE AND PENAL LAW.—Any unauthorized person found in possession of any such voting machine or keys thereof shall be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five nor more than five hundred dollars, and imprisonment in the county jail, not less than ten nor more than thirty days; and any person wilfully tampering or attempting to tamper with, disarrange, deface or impair in any manner whatsoever, or destroy any such voting machine while the same is in use at any election, or who shall, after such machine is locked in order to preserve the registration or record of any election made by the same, tamper or attempt to tamper with any voting machine, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the State Prison of this State at hard labor for not less than three nor more than ten years.

Sec. 27. APPLICATION.—All laws relating to elections now in force in this State shall apply to all elections under this Act so far as the same may be applicable thereto; and so far as such provisions are not inconsistent with the provisions of the Act pertaining to the use of the paper ballots and ballot boxes.

Sec. 28. The purpose and object of this bill is to provide a proper method of experimenting with and trying out what is known as the mechanical balloting or voting machine, and in every case in which the governing authorities of any such city or county, as is hereinbefore described, shall adopt and place in use at any precinct or precincts of such city or county any such machine, the said governing authorities are hereby specifically authorized and empowered to do anything necessary, whether specifically covered by this Act or not, which they shall deem to be requisite to a fair, honest and satisfactory trial and use of such machine.

Sec. 29. Nothing in this Act shall in any way change, alter, repeal or modify any provision of the present election laws of the State of Florida, as the same shall now apply to and be operative in any election precinct in which such balloting machine shall not be used.

Sec. 30. This Act shall take effect immediately upon becoming a law.

Approved June 8, A. D. 1929.

CHAPTER 13897—(No. 333).

AN ACT to Authorize the County Commissioners of Any County in the State of Florida Having a Population of Not Less Than 40,160 and Not More than 40,165, According to the Next Preceding Regular or Special State Census to Adopt for Use or Experimentally, a Voting Machine or Voting Machines for the Conduct of Elections in Such Counties, and Setting Forth the Requirements of Such Voting Machines, and Prescribing the Method of Conducting Elections by and With the Use of Such Voting Machines, and Directing How the Official Returns of Elections Conducted With the Aid of Such Voting Machines Shall Be Made, and Providing a Penalty for Unlawfully Possessing Such Voting Machines or the Keys Thereto, and Prescribing a Penalty for Wilfully Tampering, or Attempting to Tamper, Disarrange, Deface, or Impair Such Voting Machines, and Also Defining Some of the Terms Used in This Act.

Be It Enacted by the Legislature of the State of Florida:

Section 1. DEFINITIONS.—The list of candidates used or to be used on the front of the voting machine for an election district in which a voting machine is used pursuant to law shall be deemed official ballots under this chapter. The word "ballot" as used in this article (except when reference is made to irregular ballots) means that portion of the cardboard or paper or other material within the ballot frames containing the names of the candidate and the designation of the party by which he was nominated, or a statement of a proposed constitutional amendment, or other question or proposition, with the word "yes" for voting for any question or proposition, and the word "no" for voting against any question. The term "question" shall mean any constitutional amendment, proposition or other question submitted to the voters at any election. The term "official ballot" shall mean the printed strips of cardboard containing the names of the candidates nominated and a statement of the questions submitted. The term "irregular ballot" shall mean a vote cast, by or on a special device, for a person whose name does not appear on the ballots. The term "voting machine custodian" shall mean the person who shall have charge of preparing and arranging the voting machine for elections. The term "protective counter" shall mean a separate counter built into the voting machine which cannot

be reset, which records the total number of movements of the operating lever.

Sec. 2. REQUIREMENTS OF VOTING MACHINES.—

Any voting machines may be adopted, rented, purchased or used which shall be so constructed as to fulfill the following requirements: It shall secure to the voter secrecy in the act of voting; it shall provide facilities for voting for or against as many questions as may be submitted; it shall permit the voter to vote for the candidates of one or more parties; it shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for but no more; it shall prevent the voter from voting for the same person more than once for the same office; it shall permit the voter to vote for or against any question he may have the right to vote upon, but no other; if used in primary elections, it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine; it shall correctly register or record, and accurately count all votes cast for any or all persons, and for or against any and all questions, it shall be provided with a "protective counter" or "protective device" whereby any operation of the machine before or after the election will be detected; it shall be provided with a counter which shall show at all times during an election how many persons have voted; it shall be provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters, it may also be provided with one device for each party, for voting for all the presidential electors of that party by one operation, and a ballot therefor containing only the words "Presidential Electors For" preceded by the name of that party and followed by the names of the candidates thereof for the offices of president and vice-president, and a registering device therefor which shall register the vote cast for said electors when thus voted collectively; provided, however, that means shall be furnished whereby the voters can cast a vote in part for the candidates for presidential electors of one party, and in part for those of one or more other parties or in part or in whole for persons not nominated by any party. Every voting machine shall be furnished with a lantern, or a proper substitute for one, which shall give sufficient light to enable voters while voting to read the ballot and suitable for use by the elections officers in examining the counters. All voting machines used in any

election shall be provided with a screen, hood or curtain which shall be so made and adjusted as to conceal the voter and his action while voting.

Sec. 3. **ADOPTION OF VOTING MACHINE.**—The Board of County Commissioners of any county having a population of not less than 40,160 and not more than 40,165, according to the next preceding regular or special State census, may adopt for use at election any kind of voting machine that meets the requirements of this Act, and thereupon such voting machine may be used at any or all elections held in such county, or in any part thereof, for voting, registering and counting votes cast at such elections. Voting machines of different kinds may be adopted for different districts in any county having a population of not less than 40,160 and not more than 40,165, according to the next preceding regular or special State census.

Sec. 4. **EXPERIMENTAL USE OF VOTING MACHINE.**—The county commissioners of any county having a population of not less than 40,160 and not more than 40,165, according to the next preceding regular or special State census, authorized by the last preceding section to adopt a voting machine, may provide for the experimental use, at an election in one or more districts, of a machine or machines which they might thereafter permanently adopt, and the use of such machine or machines at such election shall be as valid for all purposes as if it, or they, had been permanently adopted.

Sec. 5. **PROVIDING MACHINES.**—The authorities adopting the use of voting machines shall, as soon practicable thereafter, provide for each polling place one or more voting machines in complete working order, and thereafter the authorities in charge of election shall preserve and keep them in repair, and shall have custody thereof when not in use at an election. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or districts within such county as the officers adopting the same may direct.

Sec. 6. **PAYMENT FOR MACHINES.**—The boards of County Commissioners on the adoption and rental or purchase of voting machines may provide for the payment

therefor in such manner as they may deem for the best interest of their respective localities.

Sec. 7. PRINTING OFFICIAL BALLOTS.—All ballots shall be printed on paper or clear white material, of such form and size as will fill the ballot frames of the machines, in plain color type as large as the space will reasonably permit. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the caption of the various ballots on said machines shall be so placed on said machines as to indicate to the voter what push knob, key lever or other device is to be used or operated in order to vote for the candidate or candidates of his choice. The order of the arrangement of parties and of candidates shall be as now required by law.

Sec. 8. MAILING OF SAMPLE BALLOTS AND FURNISHING OF INSTRUCTION BALLOTS.—The officer or officers whose duty it may be under this Act to provide and furnish official ballots for any polling place where a voting machine is to be used, shall also provide two sample ballots or instruction ballots which sample or instruction ballots shall be arranged in the form of a diagram showing such portion of the front of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample ballots shall be open to the inspection of all voters on election day, in all primaries and general elections where voting machines are used.

There shall be furnished to the election official, at each polling place, a sufficient number of sample ballots (a fac simile of the face of the machine) of a reduced size, so that one may be given to each voter desiring the same.

Sec. 9. NUMBER OF OFFICIAL BALLOTS TO BE FURNISHED.—Two sets of official ballots shall be provided for each polling place for each election district for use in and upon the voting machine, one set thereof shall be inserted or placed in or upon the voting machine and the other shall be retained in the custody and possession of the board of elections, unless it shall become necessary during the course of the election to make use of the same upon or in the voting machine.

Sec. 10. DUTY OF AUTHORITIES OF MUNICIPALITIES.—It shall be the duty of the authorities in charge of any election where a voting machine is to be used, to have

the machine and all necessary furniture and appliances at the proper polling place or places before the time fixed for opening of the polls, and the counters set at zero (000), and otherwise in good and proper order for use at such election; and for the purpose of placing ballots in the ballot frames of the machine putting it in order, testing and adjusting and delivering the machine, the authorities in charge of elections may employ one or more competent persons to be known as custodian or custodians of voting machines; who shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least thirty days before the election and shall be considered as officers of elections. Before preparing a voting machine for any election, written notice shall be mailed to the chairman of the local organization of at least two of the principal parties, stating the time and place where the machines will be prepared, at which time one representative of each of such political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election; such representatives shall be sworn to faithfully perform their duties and shall be regarded as election officials but shall not interfere with the custodians or assume any of their duties. When a machine has been so examined by such representatives it shall be sealed with a numbered metal seal. Such representatives shall certify to the numbers of the machines, that all of the counters are set at zero (000), and as to the number registered on the protective counter, if one is provided, and on the seal. After the preparation of the machines, an officer or officers or someone duly authorized, other than the person who has prepared them for election, shall inspect each machine, and report in writing, concerning the facts as to whether or not all the registering counters are set at zero (000), the machine is arranged in all respects in good order for the election and locked; and as to the number registered on the protective counter; and on the seal. When a voting machine has been properly prepared for election, it shall be locked against voting and sealed; and the keys thereof shall be delivered to the board or officials having charge and control of elections, together with a written report made by the custodian, stating that it is in every way properly prepared for the election. After the voting machines shall be transferred to the polling places, it shall be the duty of the local authorities to provide ample protection against molestation or injury to the ma-

chine. The lantern or electric light fixture shall be prepared in good order for use before the opening of the polls.

Sec. 11. INSTRUCTION OF ELECTION OFFICERS.—Not less than ten nor more than twenty-one days before each election, the custodian or custodians of the machine shall instruct the board of elections that are to serve in an election district in the use of the machine, and in their duties in connection therewith; and he shall give to each member of the board of elections who has received such instruction and is fully qualified to properly conduct the election with the machine, a certificate to that effect. For the purpose of giving such instructions the custodian shall call such meeting or meetings of the board of elections as shall be necessary. Such custodian shall within five days, file a report with the board or official in charge of elections stating that he has instructed the election officers, and the time and place where such instruction was given. The board of elections of each election district in which a voting machine is to be used shall attend such meeting, or meetings as shall be called for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conduct of the election with the machine. No member of any board of elections shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform the duties in connection with the machine, and has received a certificate to that effect from the custodian of the machines; provided, however, that this shall not prevent the appointment of a person as a member of the Board of Elections to fill a vacancy in an emergency.

Sec. 12. INSTRUCTION OF VOTERS BEFORE ELECTION.—Where voting machines are to be used, the authorities in charge of elections shall designate suitable and adequate times and places where voting machines containing sample ballots showing titles of offices to be filled, and, so far as practicable, the names of candidates to be voted for at the next election shall be exhibited for the purpose of giving instructions as to the use of voting machines to all voters who apply for the same. No voting machine which is to be assigned for use in an election shall be used for such instruction after having been prepared and sealed for the election. During public exhibition of any voting machine for the instruction of the voters previous to an election, the counting mechanism thereof shall be concealed from view

and the doors may be temporarily opened only when authorized by the board or official having charge and control of the elections.

Sec. 13. OFFICIAL BALLOTS FURNISHED.—Official ballots in the form and description set forth in this Act for use upon voting machine shall be prepared and furnished in the same manner, at the same time, and be delivered to the same officials as now provided by law.

Sec. 14. NUMBER OF VOTERS IN A DISTRICT.—Election districts in which voting machines are to be used may be altered, divided or combined so as to provide that each district in which the machine is to be used shall contain as nearly as may be seven hundred and fifty voters, and that each district in which two machines are to be used shall contain as nearly as may be one thousand voters, and that each district in which three machines are to be used shall contain as nearly as may be one thousand five hundred voters, provided that nothing herein shall prevent any election district from containing a less number than above if necessary for the convenience of the voters. Whenever more than two machines are to be used in a district, one additional member of the board of elections shall be appointed for each additional machine.

Sec. 15. If the official ballots for an election district or precinct, at which a voting machine is to be used, shall not be delivered in time for use on election day or after delivery shall be lost, destroyed or stolen, the clerk or other official, or officials whose duty it now is in such case to provide other ballots for use at such elections in lieu of those lost, destroyed or stolen, shall cause other ballots to be prepared, printed or written as nearly as may be of the form and description of the official ballots, and the board of election shall cause the ballots so substituted to be used at the election in the same manner, as nearly as may be, as the official ballots would have been.

Sec. 16. VOTING MACHINE OUT OF ORDER.—In case any voting machine used in any election district shall, during the times the polls are open, become injured so as to render it inoperative in whole or in part, it shall be the duty of the election officers immediately to give notice thereof to the body providing such machine, and it shall be the duty of such body, if possible, to substitute a perfect

machine for the injured machine, and at the close of the polls, the record of both machines shall be taken, and the votes shown on their counters shall be added together in ascertaining and determining the results of the election; but if no other machine can be repaired in time for use at such election, unofficial ballots made as nearly as possible in the form of the official ballot may be used, received by the election officers and placed by them in a receptacle in such case to be provided by the election officers, and counted with the votes registered on the voting machines; and the result shall be declared the same as though there had been no accident to the voting machine; the ballots thus voted shall be preserved and returned as herein directed with a certificate or statement setting forth how and why the same were voted.

Sec. 17. OPENING OF THE POLLS.—The boards of election of each district shall attend at the polling place three-quarters of an hour before the time set for opening of the polls, at each election, and shall proceed to arrange within the guard rail the furniture, stationery and voting machine for the conduct of the election. The boards of election shall then and there have the voting machine, ballots, and stationery required to be delivered to them for such election. If not previously done, they shall insert in their proper place on the voting machine, the ballots containing the names of offices to be filled at such election, and the names of candidates nominated therefor. The keys to the voting machine shall be delivered to the election officers at least three-quarters of an hour before the time set for opening the polls, in a sealed envelope, on which shall be written or printed the number and location of the voting machine; the number of the seal and the number registered on the protective counter or device, as reported by the custodian. The envelope containing the keys shall not be opened until at least one member of the board from each of two political parties shall be present at the polling place, and shall have examined the envelope to see that it has not been opened. Before opening the envelope, all election officers present shall examine the number on the seal on the machine, also the number registered on the protective counter, and shall see if they are the same as the number written on the envelope; and if they are not the same, the machine must not be opened until the custodian or other authorized person, shall have been notified and shall have presented himself at the

polling place for the purpose of re-examining such machine and shall certify that it is properly arranged. If the numbers on the seal and protective counter are found to agree with the numbers on the envelope, the election officers shall proceed to open the door concealing the counters, and each officer shall carefully examine every counter and see that it registers zero (000), and the same shall be subject to the inspection of official watchers. The machine shall remain locked against voting until the polls are formally opened, and shall not be operated except by voters in voting. If any counter is found not to register zero (000) the board of election shall immediately notify the custodian, who shall, if practicable, adjust the counters at zero (000) but if it shall be impracticable for the custodian to arrive in time to so adjust such counters before the time set for opening the polls, the election officers shall immediately make a written statement of the designating letter and number of such counter, together with the number registered thereon, and shall sign and post same upon the wall of the polling room, where it shall remain throughout election day, and in filling out the statement of canvass, they shall subtract such number from the number then registered thereon.

Sec. 18. **IRREGULAR BALLOTS.**—Ballots voted for any person whose name does not appear on the machine as a qualified candidate for office, are herein referred to as irregular ballots. In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partially of names of persons so in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or vice provided on the machine for that purpose. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

Sec. 19. **LOCATION OF VOTING MACHINES.**—At all elections whereas voting machines may be used, the arrangement of the polling room shall be the same as is now provided for by law; the exterior of the voting machine and every part of the polling room shall be in plain view of the election officers; the voting machine shall be placed at least three feet from every wall or partition of the polling room and at least four feet from any table whereat any of the election officers may be engaged or seated. The voting ma-

chine shall be so placed that the ballots on the face of the machine can be plainly seen by the election officers and the party watchers when not in use by voters. The election officers shall not themselves be, or permit any other person to be in any position or near any position that will permit one to see or ascertain how a voter votes, or how he has voted. The election officer attending the machine shall inspect the face of the machine after each voter has cast his vote, to see that the ballots on the face of the machine are in their proper places, and that the machine has not been injured. During elections the door or other covering of the counter compartment of the machine shall not be unlocked or open, or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the election officers and shall be sent with the returns. No person shall be permitted in or about the polling room except as now provided by law in elections where ballots and ballot boxes are used.

Sec. 20. TIME ALLOWED A VOTER.—Where a voter presents himself for the purpose of voting, the election officers shall ascertain whether his name is upon the register of voters, and if his name appears thereon and no challenge be interposed, or if interposed, be not sustained, one of the election officers to be stationed at the entrance through the outer guard rail shall announce the name of the voter and permit him to pass through the entrance opening in the outer guard rail to the booth of the voting machine for the purpose of casting his vote; no voter shall remain in the voting machine booth longer than two minutes, unless for good and sufficient reason he be granted a longer period of time by the election officers in charge, and having cast his vote the voter shall at once emerge therefrom and leave the polling room by the exit opening in the outer guard rail; if he shall refuse to leave after the lapse of two minutes he shall be removed by the election officers; the election officers shall ascertain the name and address of each voter in the manner now provided by law, before he enters the voting machine booth for the purpose of voting; no voter after having entered and emerged from the voting machine booth shall be permitted to re-enter the same on any pretext whatever; only one voter at a time shall be permitted to pass the outer guard rail to vote.

Sec. 21. INSTRUCTING VOTERS ON ELECTION DAY.—For the instruction of voters on any election days

there shall, so far as practicable, be provided for each polling place a mechanically operated model of a portion of the face of the machine. Such model, if furnished, shall, during the election, be located on the election officer's table or in some other place which the voters must pass to reach the machine, and each voter shall, before entering the machine, be instructed regarding its operation and such instruction illustrated on the model, and voter given opportunity to personally operate the model. The voter's attention shall also be called to the diagram of the face of the machine so that the voter can become familiar with the location of the questions and the names of the officers and candidates. In case any voter, after entering the voting machine, shall ask for further instructions concerning the manner of voting, two election officers of opposite political parties, if present, and if not, two election officers of the same party shall give such instructions to him, but no officer or person assisting a voter shall in any manner request, suggest or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular ticket, or for or against any particular candidate, or for or against any particular amendment, question or proposition. After giving such instructions and before such voter shall have registered his vote, the officers or persons assisting him shall retire and such voter shall then register his vote in secret as he may desire.

Sec. 22. BLIND OR PHYSICALLY DISABLED VOTERS.—The provisions of the election law relating to the assistance to be given to blind or physically disabled voters shall apply also where voting machines are used, and the word "booth," when used in such elections, shall be interpreted to include the voting machine inclosure or curtain.

Sec. 23. ANNOUNCING THE VOTE AND LOCKING THE MACHINE AGAINST VOTING.—Immediately upon the close of the polls, the election officers shall lock and seal the voting machine against further voting and open the counter compartment in the presence of persons who may be lawfully present at that time, giving full view of the counters. The chairman of the board of elections, under the scrutiny of a member of the board of a different political party, if such member desired to be present, shall then in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counters, and shall then read the votes re-

corded for each office on the irregular ballots; he shall also, in the same manner, read and announce the vote on each constitutional amendment, proposition, or other question. As each vote is read and announced, it shall be recorded on two statements of canvass by two other members of the board of election inspectors, and when completed shall be compared with the numbers on the counters of the machine. If found to be correct, the result shall be announced by the chairman of the board and the statements of canvass, after being duly certified and sworn to, shall be filed as now provided by law for filing election returns. After the reading and announcing of the vote, and before the doors of the counter compartment of the voting machine shall be closed, ample opportunity shall be given to any person or persons lawfully present to compare the results so announced with the counters of the machine and any necessary corrections shall then and thereby be made by the board of election. No tally sheets nor return blanks as required by law for use in election districts where paper ballots are used shall be furnished or used in election districts where voting machines are used, but in lieu thereof there shall be furnished two copies of a statement of canvass to conform to the requirements of the voting machine or machines being used.

Sec. 24. LOCKING THE MACHINE AND RETURNING THE IRREGULAR BALLOTS.—The election officers shall, as soon as the count is completed and full ascertained, as by this Act required, lock the counter compartment and it shall so remain for a period of thirty days, except it be ordered opened by a court of competent jurisdiction. Whenever irregular ballots of whatever description have been voted, the election officers shall return all such ballots in a properly secured package endorsed "irregular ballots" and return and file such package with the original statement of the result of the election made by them. Said package shall be preserved for six months next succeeding such election, and it shall not be opened or its contents examined during that time except by order of a judge or a court lawfully empowered to direct the same to be opened and examined. At the end of said six months, said package may be opened and said ballots disposed of at the discretion of the official or body having charge thereof.

Sec. 25. DISPOSITION OF KEYS.—The keys of the machine shall be enclosed in an envelope to be supplied by the custodian on which shall be written the number of the

machine and the district and ward where it has been used, which envelope shall be securely sealed and endorsed by the election officers, and shall be returned to the officer from whom the keys were received. The number on the seal and the number registered on the protective counter shall be written on the envelope containing the keys. All keys for voting machine shall be kept securely locked by the officials having them in charge. It shall be unlawful for any unauthorized person to have in his possession any key or keys of any voting machine and all election officers or persons entrusted with such keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for such legal purpose. All machines shall be boxed and stored as soon after the close of the election as possible, and the machines and the boxes for the machines shall at all times be stored in a suitable place.

Sec. 26. APPLICATION OF PREVIOUS ARTICLE AND PENAL LAW.—Any unauthorized person found in possession of any such voting machine or keys thereof shall be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five nor more than five hundred dollars, and imprisonment in the county jail, not less than ten nor more than thirty days; and any person wilfully tampering or attempting to tamper with, disarrange, deface or impair in any manner whatsoever, or destroy any such voting machine while the same is in use at any election, or who shall, after such machine is locked in order to preserve the registration or record of any election made by the same, tamper or attempt to tamper with any voting machine, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the State prison of this State at hard labor for not less than three nor more than ten years.

Sec. 27. This Act shall take effect immediately upon its passage and approval by the Governor or upon its becoming a law without such approval.

Approved June 8, A. D. 1929.

INDEX

	Pages.
ABSENT VOTERS	
Penalty for fraud	61-62
Procedure	42-48
AIDING OR ABETTING	
Penalty	59
Where violation to be prosecuted	60
BALLOTS	
Canvass	37
Constitutional Amendment, form	31
Depositing	36
Directions for printing	31
Disabled may have assistance in preparing	35
Fastened together	33
Form	31-32
Inspectors refusing watchers while counting, penalty.....	54
Marking too many names	36
Names and titles, order	30
Names printed on, etc.	28
Names, when not to be printed	29
Number for each voting place	33
Pay for printing	28
Penalty for casting illegal	58
Penalty for casting more than one	58
Penalty for changing	54
Penalty for destroying	57
Penalty for elector exposing	58
Penalty making declaration to secure assistance in pre- paring	57
Secret	28
Spoiled	35
BALLOT BOXES	
County Commissioners to prepare	25
BETTING	
Penalty for	58
BLANKS AND FORMS	
Furnished by Secretary State	17
BOOTHES	
Occupied by one person only, time allowed	34
Penalty for destroying	54
Requirements	33
CANDIDATES	
See Ballots.	
See Secretary State.	
Definition	61
Penalty refusing to file statement name of political	

	Pages.
CANDIDATES—Continued	
workers	61
Substitution	30
Eligibility to office	52
Highest number votes elected	40
CANVASSING BOARD	
County, violation of duty	55
State	40
CERTIFICATE TRANSFER	
Form	19
CLERKS ELECTION	
Compensation	27
COMMISSIONS	
Issuance, recorded, etc.	53
CONGRESSMEN	
When elected	5
CONSTITUTIONAL AMENDMENT	
Ballot, form	31
Copy to be posted	31
CONTESTING ELECTIONS	
May take depositions	48
Procedure	48-50
Subpoenas, witnesses	48
CORPORATIONS	
Not to use money for political purposes	59
Penalty for threats to control votes of employees	60
COUNTY COMMISSIONERS	
Certificates nomination preserved by	30
Make requisition to Secretary State for books, etc.	17
To appoint Inspectors	26
To examine and revise Registration Books	22
To prepare ballot boxes	25
COUNTY SITE	
Unlawful to use money to change	60
DISTRICT REGISTRATION OFFICERS	
Appointment, etc.	7
Registration by	13
ELECTION DISTRICTS	
Changes to be published	16
Descriptions to be recorded	16
May be changed by County Commissioners	15
ELECTIONS	
Ballot, canvass	37
Ballot, secret	28
Blanks, form and laws furnished by Secretary State	41
Canvass of ballots, proclamation	38

	Pages.
ELECTIONS—Continued	
Canvass, certificate of result	39
Canvass, when made in certain counties	40
Certificates of election	39
Certificates made and transmitted by Secretary State	41
Certificates, penalty for making false	56
Clerks, compensation	27
Contest	48
Districts	15
Districts not to lie in two Commissioners districts	53
Giving away liquor on election day, penalty	53
General, day	4
General, who to be elected	5
General, notice	6
Inspectors, appointment	26
Inspectors, compensation	27
Inspectors, vacancies, oaths, etc.	27
Militia, calling out	55
Nomination, certificates preserved	30
Officers elected	5
Opening and closing polls	28
Order maintained by Inspectors	37
Penalty for refusal of watchers	54
Penalty for betting on result	58
Penalty unlawful use money to change County site	60
Polling places	27
Polls, time opening and closing	28
Record, publication	16
Registration Books, copies to Inspectors	23
Returns, canvass	38
Returns, false or fraudulent	40
Secret ballot	28
Special	5
Special, notice	6
Senators, United States	52
What certificates to contain	41
ELECTORS	
Assistance in preparation of ballot	35
Challenges	34
Declaring choice	35
Disabled may have assistance in preparing ballot	35
General qualification	3
Instructions	34
Furnished registration certificates when registered	18
List to be kept by clerk	36
List to be published	16
Must be registered in own district	18
Oath and identification	7
Penalty for casting illegal	58
Penalty for casting more than one	58
Penalty for corruptly influencing	57
Penalty for disclosing how elector votes	54
Penalty for deceiving	54
Penalty for exposing ballot	58
Penalty for false swearing as to qualification	57

ELECTORS—Continued

	Pages.
Penalty for fraudulently changing ballot	54
Penalty for fraudulently securing assistance in voting...	57
Penalty for passing by another name	61
Presidential	5
Presidential, certificates of election	41
Presidential, filling vacancies	50
Presidential, meeting, misconduct	50
Presidential, powers, compensation, etc.	50-52
Printed instructions	34
Qualified	3
Representative in Congress, Certificates of Election	41
Registration oath	7
Soldiers and sailors	4
Soldiers and sailors voting without registration or pay- ment poll tax	62
Transfer from one district to another	22
To occupy booths alone and for only five minutes	34
To retire after voting or failure in five minutes	34
Voting, procedure	35
EMPLOYERS	
Agents, penalty for threats to control votes by employees	60
Penalty for threat to control votes of employees	60
FREEHOLDERS	
Penalty for false oath	57
Registration Counties certain population	24
Registrations books evidence of persons qualified to vote	24
Time to register	24
GAMBLING	
Penalty for betting on result election	58
GENERAL ELECTION	
Date	4
Notice	6
Who to be elected	5
INSPECTORS ELECTION	
See Elections.	
See Electors.	
Appointment by County Commissioners	26
Compensation	27
Keeping list of voters	36
Maintain good order	37
Registration books to be furnished	23
Vacancies, oaths, etc.	27
INTOXICATING LIQUORS	
Giving away on election day prohibited	53
MILITIA	
Calling out on election day	55
MONEY	
Penalty for unlawful use to change County site	60
Penalty for use by corporations	59

	Pages.
NOMINATIONS	
Certificates and petitions preserved	30
Certified by Secretary State	30
OFFICERS	
Commissions	53
Penalty for neglect of duties after being sworn in	56
Persons not eligible	52
Record commissions, oaths and acceptance	53
PENALTIES	
Miscellaneous	54
PETITIONS	
Preservation	30
POLLS	
Time opening and closing	28
POLLING PLACES	
Construction	27
Change of, temporary	42
Deputy Sheriff at each	37
Not to go within fifteen feet	34
One in each election district	27
Public excluded from	33
Sheriffs and other officers not allowed	37
POLL TAXES	
Duties Tax Collectors, hours for payment	25
Payment noted on Registration Books	24
Penalty for paying for another	60
Penalty for Tax Collector receiving from other than person to whom assessed	56
PRESIDENTIAL ELECTORS	
When elected	5
REGISTRATION	
Books and blanks furnished by Secretary State	17
Books and blanks, requisition for	17
Books, copies to Inspectors	23
Books, custodian	20
Books, examined and revised	22
Books, evidence registered persons only to vote	24
Certificates furnished electors	18
Certificate, form	19
Certificates, renewed	21
Certificates, transfer from one district to another	22
Districts may be changed by County Commissioners	15
Districts, description recorded	16
Freeholders, Counties certain population	24
Freeholders, time may register	24
New books, when necessary	20
Nullified, certain Counties	12, 14
Oath and identification of electors	7
Penalty, freeholders false oath registration	57
Poll tax, notation of payment	24

REGISTRATION—Continued

	Pages.
Re-registration Counties certain population	62-71
Restoration of name	21
Supervisor, deputy, removal	9
Supervisor, district, penalty for failure to deliver books...	55
Supervisor, oath, bond, compensation	8
Supervisor, penalty for failure to deliver books to suc- cessor	55
Supervisor, publication list of qualified voters	16
Supervisor to give certificate of election to officers elected	39
Supervisor to make up books	17
Time and office hours	9
Time to apply for re-registration	18
Voters must register in own district	18
When books closed	20
REGISTRATION BOOKS	
Supervisors to be custodians	20
Time of closing, certain counties	15
When closed, certain counties	13
When open	9
When open Counties certain population	10-11
REGISTRATION CERTIFICATE	
Form	19
RE-REGISTRATION	
Counties certain population	11, 12, 14
Time to apply for certain counties	13, 14
SECRETARY STATE	
Blanks and forms to prepare	41
Books and blanks, to furnish	17
Certificates of election made and transmitted	41
Penalty for failure to certify nomination	56
To certify nomination	30
SENATORS, United States	
Election, vacancies	52
SHERIFFS	
Deputies at polling places	37
Officers not allowed in polling places	37
Penalty for failure to assist deputy	58
Penalty for neglect of duty	55
SOLDIERS AND SAILORS	
Permitted to vote without registration or payment poll tax	62
When may vote	4
SPECIAL ELECTIONS	
Notice	6
SUPERVISOR REGISTRATION	
Appointment, etc.	7
Books furnished by Secretary State	17
Compensation	8

SUPERVISOR REGISTRATION—Continued

	Pages.
Compensation, Counties certain population	71-74
District, penalty for failure to deliver books	55
Fees	13
Fees, certain counties	15
Furnish certificate to person elected	39
Note payment poll tax on books	24
Penalty for failure to deliver books to successor	55
Power to remove District Registration Officer	9
Publication list of qualified voters	16
Salary Counties certain population	9
Take oath and give bond	8
Time and office hours	9
To deliver books and papers to successor	9
To make up books	17
TAX COLLECTORS	
Ex-officio Supervisor counties certain population	11
Existing laws applicable as ex-officio supervisor	12
Penalty for failure to report poll tax paid	53
Penalty for receiving poll tax from other than person assessed	56
Receive poll tax, hours for payment	25
TRANSFER REGISTRATION	
Form	19
VOTERS	
See electors.	
VOTING PLACES	
See polling places.	
VOTING MACHINES	
Adoption counties certain population	74-140